



Appeal Decision

Site visit made on 6 January 2025

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/Q1153/W/24/3345701

124A Old Exeter Road, Tavistock, Devon, PL19 0JB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Faircloth against the decision of West Devon Borough Council (the LPA).
 - The application reference is 0507/24/FUL.
 - The development proposed is a change of use of single dwelling into 2 flats.
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Decision

1. The appeal is allowed. Planning permission is granted for a change of use of single dwelling into 2 flats at 124A Old Exeter Road, Tavistock, Devon, PL19 0JB. The permission is granted in accordance with the terms of the application reference 0507/24/FUL and subject to the conditions in the attached Schedule.

Preliminary Matter

2. As part of the appeal, the appellant has submitted a unilateral undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). This includes a planning obligation in the form of a financial contribution, towards the costs of mitigating recreational impacts within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA).

Main Issue

3. The main issue is whether the appeal site is a suitable location for an additional dwelling, having particular regard to national¹ and local² planning policies for the provision of housing.

Reasons

4. The appeal site comprises a six bedroom dwelling that lies approximately 750 metres north east of Tavistock town centre. It was previously in use as two flats³.
5. The development plan does not define any settlement boundaries. The LPA considers the site to be about 300 metres beyond the edge of the built form of Tavistock. It has argued that the site, whilst not isolated⁴, should be considered as part of the countryside and the proposal assessed under LP policy TTV26.2. In support it has drawn my attention to an appeal decision at Lamerton⁵.

¹ The National Planning Policy Framework (the Framework), December 2024. This is an important material consideration.

² The development plan, which includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP).

³ Planning permission was granted in 2020 for the erection of a replacement dwelling immediately alongside and in lieu of one of the flats (refs.3484/19/OPA and 2569/22/ARM). Construction has commenced on this new dwelling.

⁴ In the context of LP policy TTV26.1.

⁵ APP/Q1153/W/21/3286032.

6. The proposed development does not respond to a proven agricultural, forestry and other occupational need that requires a countryside location and the LPA has identified a conflict with LP policy TTV26.2(iv). However, I note that when it determined the application for a new dwelling alongside in 2020, the LPA stated that *“As the site lies within the built up area of the town, the principle of development is accepted.”* As a consequence, that proposal was not assessed under the provisions of LP policy TTV26.
7. Consistency in the decision-making process is important, not least for maintaining public confidence in the planning system. I see no distinction, in terms of location, between the appeal site and the new dwelling that has been permitted immediately alongside. As the site of this new dwelling was deemed to lie within the built-up area of Tavistock⁶ then the same settlement policy considerations should apply to the proposal before me. It would be illogical and inconsistent to now find/reason that the appeal site lies within the countryside and LP policy TTV26 is engaged. The appeal decision at Lamerton does not assist the LPA. However, even if I was to agree with the LPA on this matter, the Framework allows for the subdivision of existing residential buildings within the countryside.
8. The appeal site lies along a section of Old Exeter Road⁷ that is lacking in footways and subject to a 30 mph speed restriction. Although I did not view the site during the hours of darkness, there appeared to be streetlighting along this section of the road. A footway extends from the centre of the town to near the old railway viaduct that lies approximately 300m to the south west of the site.
9. During my visit, I walked from the site into the centre of the town and back. The gradient of the road is such that it is likely to deter most occupiers of the proposed flats from walking back from the town centre with their main/weekly food shopping. However, the walk is not so challenging⁸ or lengthy as to be likely to deter all other walking trips to and from the town centre. Undertaking some trips by bicycle, especially given the very close proximity of NCR27⁹, is also likely to be a convenient alternative to travelling by motor vehicle. Whilst the occupiers of the flats would undoubtedly make some trips by car, the site has good access to a wide range of services by alternative modes such as walking and cycling. The proposed development accords with the objectives of LP policy DEV29.
10. I conclude on the main issue that the appeal site is a suitable location for an additional dwelling in accordance with national and local¹⁰ planning policies for the provision of housing.

Other Matters

11. The proposed development would entail the more efficient use of an existing building for housing and would accord with the provisions of LP policy DEV32.1. It would also increase the mix, choice and supply of homes within the local area and help meet the need for smaller-sized dwellings within Tavistock. The proposal would accord with the objective of LP policy DEV8.

⁶ Whilst the housing to the north east of the old railway viaduct is more generously spaced than the terraced housing to the south west, my perception was that all of this housing has more in common with the town than the surrounding countryside.

⁷ National Cycle Route 27 (North Devon to Plymouth – NCR27) runs along this section of the road.

⁸ Although my visit was only a ‘snapshot’ in time, the volume of traffic was very low and I estimated speeds to be below 30mph for almost the entirety of the walk. With more traffic in the peak morning and evening periods, I would not expect speeds to increase.

⁹ About 250m south west of the site. This section of NCR27 follows the line of the old railway and is free from motor vehicles.

¹⁰ LP policies SPT1, SPT2, TTV1 and TTV2, .

12. The development would not detract from the quality of the local environment or in any way conflict with the provisions of LP policy DEV23. It would also include the provision of solar panels on the south east facing roof elevation and accord with the provisions of LP policy DEV20. In addition, The LPA accepts that the proposal would result in a small reduction in impermeable surfacing and accord with the provisions of LP policy DEV35.
13. These other matters add weight to the argument for granting planning permission.

Conditions

14. In addition to the 'standard' start date condition, for the avoidance of doubt, it would be necessary to attach a condition specifying the approved plans. To protect the amenity of future occupiers it would be necessary to attach a condition requiring sound insulation of the flats. (I shall amend the LPA's suggested condition as it is somewhat vague in referring to "*Approved Document E*".) A separate condition would be necessary to ensure that the proposed external works did not detract from the appearance of the local area and to ensure the proposed renewable energy benefits of the scheme were provided.

Planning Obligation/Unilateral Undertaking (UU)

15. The appeal site lies within the 12.3km Zone of Influence (ZoI) for the SAC and SPA and where new residential development would be likely to have a recreational impact upon these protected areas¹¹. The appeal scheme, in combination with other development proposals (plans/projects) within the ZoI, could increase recreational pressures within the SAC and SPA and, without mitigation, would have a significant adverse effect upon nature conservation interests¹²/the integrity of these areas. This is accepted by the appellant who has calculated that a financial contribution¹³ of £330.92¹⁴, made via the completed UU, would be necessary to help fund the cost of mitigation.
16. The UU is necessary to make the development acceptable in planning terms. It is directly related to the proposed development and fairly and reasonably related in scale and kind to the proposal. It accords with the relevant provisions of the Framework and LP policy SPT14. I have taken it into account.

Conclusion

17. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector

¹¹ I also note that the Habitats Regulations Assessment of the LP concluded that the recreational impacts from new residential development, either alone or in combination with other plans or projects, would impact upon the integrity of the SAC and SPA. This is now widely accepted in determining planning applications and appeals.

¹² Including salt meadows, estuaries, inlets, bays, mudflats, sandflats, reefs, sandbanks and populations of Little Egrets and Avocet.

¹³ I understand that Natural England has agreed that mitigation from recreational disturbance caused by in combinations plans within the SAC and SPA can be secured by way of contributions towards measures in the published Recreation Mitigation and Management Plan.

¹⁴ This corresponds to the figure for a 2 bed flat set out in the matrix contained within the LPA's letter of 26 August 2024.

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be undertaken in accordance with the following approved drawings: unnumbered 1:1,250 scale site location plan; 1:100 scale proposed ground floor plan (ref. 593/08 Rev C); 1:50 scale proposed first floor plan (ref. 593/21 Rev A); 1:200 scale block plan (ref. 593/12); 1:100 scale proposed elevations (refs. 593/11 Rev B and 593/10 Rev A).
3. The flats hereby permitted shall not be occupied until a sound insulation scheme, designed to reduce the transmission of noise between the two flats, has been submitted to and approved in writing by the Local Planning Authority. The approved sound insulation scheme shall be undertaken before the flats are occupied and shall be retained thereafter.
4. The external alterations to the building shall be finished using materials to match the external appearance of the existing building and the flats shall not be occupied until the solar panels have been installed on the south eastern roof slope as shown on the approved plans.