



Appeal Decision

Site visit made on 06 February 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/Y1138/W/24/3347484

Land at NGR 301040 112882, High Street, Halberton, Devon EX16 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ray Radford against the decision of Mid Devon District Council.
 - The application Ref is 23/01280/PIP.
 - The development proposed is erection of two self build residential dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
4. On 12 December 2024, the National Planning Policy Framework (the Framework) was updated. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the representations made on this.

Main Issue

5. The main issue is whether the location, proposed land use and the amount of development are acceptable.

Reasons

Location

6. The site comprises a parcel of grassland bound by a stone retaining wall on the northern side of High Street in Halberton. The site is located in the Halberton Conservation Area (CA) which covers the historic core of the village. The site is elevated above High Street and forms a green backdrop to this part of the CA. The

site is identified in the Halberton Conservation Area Appraisal and Management Plan (2006) (CAAMP) as a visually important space which is bordered along its eastern boundary by an important group of trees.

7. The CAAMP identifies that gaps between dwellings formed by the open spaces on the northern side of High Street are integral to the character of this part of the village and their retention is essential to protect the appearance of this part of the CA. It also identifies that front boundary walls which enclose the open spaces on northern side of High Street are a feature of special interest. The pattern of development formed by these open spaces indicates the growth of Halberton as a farming settlement, which appears to be part of the CA's significance. As a parcel of grassland bound by a stone wall which forms part of a network of open spaces, the site makes an important contribution to the rural character of the CA.
8. Permission in principle is sought for the erection of 2 dwellings. There are no details provided of the exact layout or scale of the dwellings in accordance with the requirements of an application for PiP. Nevertheless, even if the dwellings were limited in scale, the proposal would result in the loss of a visually important and prominent area of open space. The erection of 2 dwellings here would result in the loss of a gap which is integral to the character and appearance of the CA. This would undermine the pattern of development within this part of the CA, resulting in harm to the character and appearance and significance of the CA.
9. Additionally, whilst it is suggested that the retention of the stone wall would be factored in at the TDC stage, given the constraints of the site it is unclear how access to the dwelling could be provided without removing part of the wall. Given the positive contribution the wall, in combination with other enclosures along the north side of High Street, makes to the character and appearance of the CA, the loss of part of this feature of special interest to facilitate the proposed access would compromise its contribution to the character and appearance of this part of the CA.
10. In light of the above, it is evident that any new residential development here would compromise the positive contribution the appeal site makes to the special interest and the character and appearance of the CA, thereby causing harm to the significance of this heritage asset.

Land use and amount

11. As a proposal for housing which would be located amongst other residential properties, there is little reason in principle to anticipate a conflict in land use. The site is big enough to accommodate 2 dwellings of a size commensurate with those nearby. Therefore, I find the proposed use and amount acceptable.

Conclusions on site suitability

12. Whilst I have identified that there would be no conflict in relation to the land use and amount of development proposed, the site would not be a suitable location for residential development having regard to the effect on the character and appearance of the CA. I have a duty to have special regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The harm arising from the development of the site for residential use would result in less than substantial harm to the CA. Under such circumstances, the Framework and Policy DM25 of the Mid Devon Local Plan 2013-2033 (2020) (LP) advise that this harm should be weighed against the public benefits of the proposal.

13. The Government's objective is to significantly boost the supply of housing, and the proposal would provide 2 new local-needs affordable self-build dwellings on a small site at low risk of flooding with good access to facilities, services and public transport. There would be social and economic benefits to local services during the construction and occupancy phases. These matters weigh in favour of the proposal. Nevertheless, heritage assets are an irreplaceable resource, and I do not consider that collectively the public benefits are sufficient to outweigh the great weight that I must attach to the harm that would be caused to the CA. Conflict therefore arises with the historic environment protection policies in the Framework.
14. In light of the above the proposal would not be a suitable location for residential development having regard to the effect on the character and appearance of the area including the CA. I therefore find conflict with those aims of LP Policy DM25 which sets out a presumption in favour of preserving or enhancing designated heritage assets and their settings.

Other Matters

15. It is stated that the proposal would be of a high quality and sustainable design which would take account of the scale and form of surrounding traditional buildings. It is also stated that the dwellings would relate well to the settlement and neighbouring built form, would respect the building lines and position of buildings that border the site and would not result in harm to the living conditions of the occupiers of neighbouring dwellings. However, these details are not before me to give substantial credence to. Thus, these matters do not weigh in favour of the proposal.
16. My attention has been drawn to another proposal for residential development in Halberton¹. I have limited information before me to be able to draw any comparisons between this application and the appeal proposal. Nonetheless, there is no suggestion that that site is within a CA, or that the development of it would be harmful to the character and appearance of the CA. Thus, this proposal does not appear to be comparable to the case before me. I therefore afford this proposal limited weight in this decision.

Conclusion

17. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR

¹ Ref 22/00358/PIP