
Appeal Decision

Site visit made on 29 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025.

Appeal Ref: APP/Y1138/W/24/3356652

Sandhurst, Road from Eastington Cross to Orchard Cross, Lapford, Devon EX17 6QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Harrison against the decision of Mid Devon District Council.
 - The application Ref is 24/01074/OUT.
 - The development proposed is outline permission for 3 Self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. The application was submitted in outline with matters related to Appearance and Landscaping reserved. I have dealt with the appeal on that basis, treating these matters on the relevant plans as illustrative.
4. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published on the 12 December 2024. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.

Main Issues

5. The main issues are:
 - whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether appropriate location

6. Policy S1 of the Mid Devon Local Plan 2013 – 2033 July 2020 (LP) supports the creation of sustainable communities by focusing development at Tiverton, Cullompton and Crediton with a limited level of development in identified villages.

7. LP Policy S13 identifies Lapford as a defined rural settlement suitable for limited development but with development limited to proposals within the defined settlement limits. There is no dispute between the main parties that the site is located outside of the defined settlement limit of Lapford in the countryside and I have no reason to disagree.
8. LP Policy S14 states that development outside of defined settlements will preserve and where possible enhance the character, appearance and biodiversity of the countryside. None of the six criteria to Policy S14 support the provision of additional open market housing. As such, the proposal does not meet any of the exceptions for residential development in the countryside and is contrary to LP Policy S14.
9. The proposal is for the erection of 3 self-build dwellings. The Appellants' Statement of Case clarifies that the proposal is not for affordable housing as part of a rural exceptions site. As such, LP Policy DM6 is not being relied on by the appellant to support the proposal. Although LP Policy DM6, along with LP Policy S3, support self-build and custom housing, this is subject to being permitted as affordable housing in accordance with LP Policy DM6 or on sites of 20 dwellings or more. In light of this, the proposal for open market housing does not gain support from LP Policies DM6 or S3. I will however return to the matter of self-build housing below.
10. It follows from the above that I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. As such, it is contrary to LP Policies S14 and DM6, the aims of which I have outlined above.

Character and appearance

11. The appeal site comprises part of an undeveloped field that abuts the rear of residential properties at the edge of Lapford. The appeal site is positioned fairly centrally within the field with the eastern and southern site boundaries opening into the countryside.
12. By reason of the location of the appeal site and its open sloping nature with extensive views into and out of the site, it contributes positively to the character and appearance of the landscape surrounding the settlement. Furthermore, the rear and side boundaries of existing dwellings provide a clearly defined edge between the built form of the settlement and the countryside.
13. Due to the location of the site beyond the clearly defined extent of the existing linear pattern of development to the southern side of the lane, and position of the proposed built form within the centre of the sloping field, the proposal would result in an uncharacteristic spread of development into the rural fringe around the settlement. While I recognise that the proposal is only for three dwellings with existing development to the west of the site, it would nonetheless harm the character and appearance of the area through the extension of housing development, and its associated activity and lighting into the undeveloped countryside at odds with the existing pattern of development.
14. While I have had regard to the ability to provide landscaping to help to mitigate the visual effect of the development as part of any Reserve Matters submission, given the site levels and open views of the site from the south in particular, it would be difficult to screen the dwellings, their gardens and the associated access fully. Furthermore, the purpose of landscaping should be to secure effective integration

of the proposal into the area rather than screening the increased bulk and mass of the built form and extension of development into the countryside.

15. In conclusion in relation to this matter, the proposal would cause harm to the character and appearance of the area. As such it is contrary to LP Policies S1, S9, S14 and DM1. Amongst other things, these expect development to create sustainable communities by requiring good design that respects local character, preserve and enhance the distinctive qualities of Mid Devon's natural landscape, preserve and where possible enhance the character and appearance of the countryside, and be of a high quality.

Other Considerations

16. My attention has been drawn to other appeal decisions across the country¹ and a planning application² where self-build units have been granted. However, these were for a greater number of self-build dwellings, with the appeal decisions in different local authority areas where the self-build units were secured by legal agreements. As such, they are not directly comparable to the current appeal proposal. Moreover, I am required to consider the current appeal on its merits.
17. Under the Self-build and Custom Housebuilding Act 2015³ (the 2015 Act), the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. The Council must therefore give enough suitable development permissions in its district to meet the identified demand for self-build and custom-build housing and should not treat the need as a component of general market housing. These duties are also emphasised in paragraph 63 and Footnote 28 of the Framework.
18. The Council accepts that it has a shortfall in the number of permitted self-build and custom housebuilding plots and that this is a material consideration. I have no reason to disagree. Within the context of the Council's duties under the 2015 Act, the provision of 3 self-build dwellings would be a modest contribution to the demand identified on the Council's register and carries commensurate weight in favour of the proposal. Even so, this does not automatically mean that housing should be permitted anywhere and needs to be balanced against the harm I have found to the character and appearance of the area. Furthermore, in the absence of a mechanism to secure the provision of the 3 plots as self-built units, this diminishes the weight that I give to the provision of the self-build units.
19. The proposal would however provide a number of benefits, including benefits to the supply of housing and self-build housing with good accessibility to services and facilities which would contribute towards the supply and mix of housing in the area, and provide benefits to the local economy from construction works. Furthermore, the proposal could be built out quickly, would create construction jobs and promote spend in, the retention and expansion of local services and facilities in this and other villages nearby, would safeguard and enhance biodiversity, could be designed to protect the living conditions of neighbouring occupiers, and would benefit from a suitable access.
20. Notwithstanding, the development would harm the character and appearance of the area and be contrary to the local development strategy. The relevant policies are largely consistent with the Framework where it states that planning decisions

¹ APP/H1840/W/19/3241879 and APP/Y3940/W/23/3317252

² 24/00250/MFUL

³ Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

should protect and enhance our natural environment whilst reflecting the character of an area and safeguarding the environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.

21. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. of the Framework should be applied. As stated above, the appeal proposal would provide a number of benefits. These include the provision of much needed housing and self-build housing that could be built out quickly with good accessibility to services and facilities, benefits to the local economy from construction works and use of local services and facilities, job creation, enhanced biodiversity, and that it could be designed to protect the living conditions of neighbouring occupiers with a suitable access.
22. However, given the scale of the development, and lack of a mechanism to secure the dwellings as self-build units, the benefits would be moderate. In contrast, I have found that the appeal proposal would result in significant harm to the character and appearance of the area and the local development strategy. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR