



Appeal Decision

Site visit made on 9 July 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/K1128/W/25/3358755

Land at The Old Coach House, Totnes Road, Marldon, Devon TQ3 1RR

- 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 Mr J Richardson against the decision of South Hams District Council.
 - The application Ref is 3275/24/PIP.
 - The development proposed is the erection of 2 to 3 no dwellings and associated works.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 2 to 3 no dwellings and associated works at Land at The Old Coach House, Totnes Road, Marldon, Devon TQ3 1RR in accordance with the terms of the application, Ref 3275/24/PIP.

Preliminary Matters

2. The proposal is for permission in principle. The 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) establishes whether a site is suitable in principle and the second, 'technical details consent' 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 permission in principle 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 permission in principle is granted. The Council's objections relate to highway safety issues arising from the location of the proposal. I have determined the appeal accordingly.
4. I have removed wording from the description above that does not describe development.

Main Issues

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with specific reference to highway safety.

Reasons

6. The site is located on Totnes Road as it extends out of the settlement of Marldon. There is a linear row of large detached houses along Totnes Road set within large plots with off road parking. However, befitting of the transition from the settlement

to the surrounding countryside, the road is increasingly rural in nature with hedges and verges adjacent to the appeal site.

7. Marldon contains numerous services and facilities that would meet the day to day needs of residents. These are within a reasonable walking distance from the appeal site.
8. This walk would require the traversing of Totnes Road, a busy A road, which, whilst benefitting from footpaths and grass verges for some sections, includes some sections without any separate footway or street lighting. Whilst not an excessive distance, this would make the simplest most direct route into the centre of the settlement (straight along Totnes Road) unsafe as it require walking on the highway for some distance and would result in potential conflict between pedestrians and cars.
9. Nevertheless, there are alternative routes available. The footway which runs close to the appeal site extends to the junction with Westerland. This road has the character and appearance of a semi-rural lane, however there are a number of dwellings along its length which means that pedestrians, cyclists, horse riders and vehicles share the road space. Users would be used to each other and I observed that the speed of vehicles was considerably slower than on Totnes Road. The likelihood of conflict between road users is therefore smaller. Whilst there is no street lighting, it offers a realistic and acceptably safe and direct route to the facilities of Marldon.
10. There is also a public footpath which runs past the Christmas tree farm on Totnes Road and connects this road with Moorview. The use of this footpath would also considerably reduce the length of Totnes Road that is required to be walked to the short distance between Westerland and Farthing Lane. Whilst not as direct into the centre of the settlement, it would provide a good route to a convenience store and would be a quicker way to the primary school on Marldon Cross Hill. Given the use of a limited distance of Totnes Road without footway in this instance, this would also be a practical and acceptable route for pedestrians as the likelihood of conflict with cars would be limited.
11. Whilst it may be the case that future occupants may be likely to take the more direct and therefore unsafe route into the settlement, I find that there are realistic alternative routes that are sufficiently safe and practical. This is unlike the circumstances set out in the example provided by the Council¹, where the Inspector found that, due to the proposal of up to 40 dwellings and excessively circuitous alternative routes, it was likely that numerous people would end up walking an unsafe route. As such this example materially different to the scheme before me.
12. I conclude that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with specific reference to highway safety. There would therefore be no conflict with the integration with adjacent developments and safe access goals of Policies SPT2 DEV10 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 - 2034 (2019).

¹ Appeal Decision APP/K1128/W/24/3347514

Other Matters

13. A nearby property, Higher Westerland, is Grade II listed. It is a large two storey stone and slate detached property, which the listing describes it as a 18th Century possibly 17th Century, and notes sash windows without glazing bars, a central fielded and flush panel door, gothic pointed arch window on east side and a 20th century glazed veranda across front. I observed that its significance therefore in part relates to its retained architectural qualities.
14. The setting of the property includes newer residential development of mixed character and appearance set in large gardens, including the neighbours along Totnes Road and the Old Church House, which will sit in between this property and the appeal site. As such, the setting contributes little to the significance of the property.
15. Whilst details of matters such as siting and appearance would be considered under the technical details consent stage, the proposed development would be seen in the context of the existing mixed surrounding residential form. The development would not harm the setting and significance of this listed building. As such, there would therefore be no conflict with the prevention of harm to heritage assets, including their setting, goals of Paragraph 213 of the National Planning Policy Framework.
16. Details relating to sewage, electricity connection, adequate visibility splays for the access and the effect of noise and disruption from construction would also be considered in detail at the technical details consent stage.

Conditions

17. PPG² indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

Conclusion

18. I conclude that, for the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR

² Paragraph 020 Reference ID: 58-020-20180615