



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: 31 July 2025

Appeal Ref: APP/P1133/W/25/3363402

Ivy Tree Store, Rick Pastures Stokeinteignhead, Newton Abbot, Devon TQ12 4QH

- 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 G Mahoney against the decision of Teignbridge District Council.
 - The application Ref is 24/01893/OUT.
 - The development proposed is a dwelling to replace existing domestic storage building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters (access, layout, appearance, scale and landscaping) reserved for future consideration.
3. Emerging Local Plan policy is referenced in the reasons for refusal. These policies are consistent with other referenced development plan policies and the Framework. Whilst they have been examined, they are not yet adopted and therefore they carry modest weight.

Main Issue

4. The main issue in this case is whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy.

Reasons

5. The appeal site is located outside of any identified settlement boundary as defined by the Teignbridge Local Plan 2013-2033 (2014) (LP) and is therefore, for the purposes of policy, in the countryside.
6. LP Policy S22 sets out that development within the countryside will be strictly controlled in order to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. As an open market dwelling, the proposal does not meet the exceptions listed in this policy.
7. The dwelling is also located within the designated Undeveloped Coast as defined by LP Policy EN2, which states that new development is inappropriate unless required for agriculture or forestry or is a minor alteration to an existing dwelling. This is in order to protect, maintain and enhance the distinctive landscape character and ecological qualities of the undeveloped coast, which is a priority alongside biodiversity considerations. The proposal also does not meet the exceptions listed in this policy.

8. The existing storage building is set back from the road which leads into the village of Stokeinteignhead. There are dwellings opposite the site and to the north west so the site is not isolated. Nevertheless, there are open fields in between the appeal site and the general built form of the settlement. This significant visual gap in development means that the site does not feel as part of the settlement but distinctly apart.
9. The services and facilities of Stokeinteignhead, which I observed include a pub, village store, primary school, church and village hall, are within a short walk, albeit along a rural lane with no separate footpath or street lights. The appeal site is therefore reasonably connected and there is a genuine alternative to car use, and accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services.
10. Nevertheless, I conclude that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the Framework. The proposal would therefore conflict with LP Policies S22 and EN2, in addition to ELP Policies GP3 and EN2, which also seek to protect and enhance the countryside and designated Undeveloped Coast.

Other Matters

11. The appeal site lies within 10km of the Exe Estuary Special Protection Area and the Dawlish Warren Special Area of Conservation.
12. The appellant has indicated willingness to make a financial contribution toward what is considered to be appropriate mitigation to maintain the ecological integrity of the sites; however, no formal legal agreement or mechanism has been submitted. As I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
13. Ivy Tree Cottage, located on the opposite side of the highway, is a Grade II Listed 18th century two storey farmhouse. The listing description sets out that its features include its whitewashed rendered cob with a thatched roof. I observed that its significance therefore in part relates to its retained vernacular architectural qualities.
14. The setting of the cottage includes newer residential development, including an adjacent detached car port and neighbouring dwellings of varying character and appearance. As such, the setting contributes little to the significance of the property.
15. The proposed dwelling 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 Framework.
16. The dwelling opposite the appeal site, 'San Marino', replaced a previous dwelling on the site and was considered under a different policy context. As such, based on the information before me, it is materially different to the proposed scheme.

17. The proposal would however result in an additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. The development would make efficient use of the site, as supported by the Framework, and as set out above, have access to the services and facilities. The proposal would also result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. Nevertheless, given the scale of the scheme each of these benefits would be small. Similarly, any ecological or carbon reduction benefit, given the sale of development, would also be small.
18. The agricultural history of the site and building is not established, and there is limited information before me of whether the development would therefore comply with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I therefore cannot give this fallback option anything other than small weight.
19. The proposed unit would be a self build unit. The Framework supports small sites to come forward for self-build and custom-build housing. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.
20. There is no mechanism before me to secure the development as self-build. Moreover, there is no evidence before me that the Council is not meeting its statutory duty in this respect. As such, and again, given the quantum of development, any such benefit in this regard is small.
21. The lack of identified harm in relation to matters such as character and appearance, flood zones or ecology is a neutral matter not in favour of the proposal.
22. The pre-application advice¹ provided was not supportive and clearly stated that the proposal would be considered to be contrary to policy.

Conclusion

23. For the above reason, the appeal is dismissed.

B Phillips

INSPECTOR

¹ Reference 24/00140/PE