



Appeal Decision

Site visit made on 1 April 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/J9497/W/24/3350717

Land adjacent to 34 Tweenaways, Buckfastleigh, TQ11 0DW

- 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 Daniel Merritt & Natasha Ware against the decision of Dartmoor National Park Authority.
 - The application Ref is 0344/23.
 - The development proposed is a new affordable dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would accord with the development plan's strategy for the distribution of housing in the National Park, including its location and affordability;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, having regard to privacy and outlook; and
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of Dartmoor National Park (DNP).

Reasons

Location and affordability

3. The appeal site is an undeveloped plot of land that occupies an area adjacent to two residential properties that are located in the Local Centre of Buckfastleigh. The site is outside but adjacent to the settlement boundary of Buckfastleigh, as marked out by the Dartmoor Local Plan 2018 – 2030 (LP). The proposal is therefore in the open countryside for the purposes of the LP.
4. Strategic Policy (SP) 1.3 of the LP guides new residential development based upon a hierarchy of local centres of population and smaller rural settlements. This spatial strategy seeks to focus development to sustainable locations and direct development away from areas of sensitivity or conservation importance.

5. SP 3.1 of the LP sets out the housing strategy for the National Park, which is to meet the local need of primarily affordable housing. It confirms that the LP makes provision for at least 1,125 homes (65 homes each year after adoption) to be delivered across the National Park over the plan period in order to meet the identified needs of local communities. It further states that a trajectory at Appendix B illustrates the expected rate of housing delivery over the plan period.
6. Given that the site is outside the defined settlement, but is adjacent to the boundary, Part 3 of SP 3.1 is also of relevance. It sets out that development on rural exception sites will only be supported where there is a current identified need for affordable housing demonstrated by an up-to-date housing needs assessment (HNA).
7. SP 3.1 confirms that the geographic areas from which affordable housing need should be the housing need of the parish in which development is taking place and the adjoining parishes which are wholly or substantially within the National Park. It further states that other development in the pipeline or recently completed, which may alter the need for affordable housing in the geographic area, will be taken into account.
8. SP 3.3 of the LP considers housing development in Local Centres, such as Buckfastleigh. At Part 4 of the policy, it sets out that in exceptional circumstances involving an identified need for affordable housing within the settlement boundary not being met, new housing development will be approved on suitable sites adjoining the settlement boundary. It is made clear that development proposals on such sites are limited to 100% affordable housing.
9. The Authority have also raised the concern that the construction costs associated with building the proposal would render the dwelling unaffordable in the long term. SP 3.2 of the LP sets out that all new housing development should contribute towards creating and sustaining sustainable and balance communities through the delivery of appropriate house sizes and types. This is to ensure that the needs of present and future generations are met.
10. The proposal is for the erection of a single affordable dwelling on the site. However, even if its construction costs did not preclude long-term affordability, an executed and signed legal obligation to secure the development as an affordable dwelling is not before me. Such an obligation would be necessary to make the development acceptable in planning terms and there is no reason to find that it would be appropriate to secure a planning obligation in the terms required through the imposition of a planning condition. As such, there is no mechanism before me that would guarantee the necessary provision and management of an affordable dwelling on this site. Furthermore, without a legal obligation to secure the dwelling as affordable housing, there is no mechanism to secure a discount on the selling price and ensure that it remains affordable in perpetuity. Given that the appeal before me is not for affordable housing, the proposal does not comply with SPs 3.1, 3.2 and 3.3 of the LP.
11. In any event, the appellants have not provided an up-to-date HNA, and the scheme is therefore not evidence led. As such, the proposal would conflict with the aims and objectives of SP 3.1. Furthermore, whilst I note that there is no planning permission in place for affordable housing provision on the Timbers Road and Barn Park sites and the delivery of these sites appears to be behind the trajectory

outlined in Appendix B of the LP, there is a clear affordable housing allocation for Buckfastleigh and there is still time remaining in the plan period for those developments to be delivered. It has therefore not been demonstrated that the affordable housing need for Buckfastleigh cannot be met within the settlement boundary, and it follows that the provision of an affordable dwelling on this site is not compliant with the policy requirements of SP 3.3.

12. As the proposal is for the dwelling to be a self-build, Policy 3.6 of the LP is also of relevance. This policy supports, in principle, local needs custom and self-build housing that is restricted to 93 square metres and occupied by a Local Person in perpetuity. The policy further states that custom and self-build housing needs to be in accordance with the strategic housing policies relevant to the site location, i.e., SPs 3.3, 3.4 or 3.5. As the location of the appeal site does not accord with the strategic housing policy relevant to the site location, SP 3.3, the proposal does not gain support from Policy 3.6.
13. When considering the aim of Policy 3.6 for local needs custom and self-build housing to be within a settlement, as set out in its preamble, together with the requirement of SP 3.3 for housing on sites adjoining settlements to be 100% affordable housing, the proposal for a local needs custom-build scheme comprising no affordable housing would conflict with the housing strategy of the National Park.
14. Furthermore, having regard to the identified conflict with the development plan policies, the proposed development would result in unjustified countryside encroachment and failure to comply with the specified distribution of development within the National Park, which in turn would result in harm in achieving the planned spatial strategy across the National Park.
15. For these reasons, the proposed development would not accord with the development plan's strategy for the distribution of housing in the National Park, including its location and affordability. Consequently, the proposal would conflict with SPs 1.1, 1.2, 1.3, 1.5, 3.1, 3.2, 3.3 and 3.5 and Policy 3.6 of the LP, which collectively seek, in part, to achieve sustainable development and meet the housing needs of the National Park. There would also be a conflict with the Authority's Housing Supplementary Planning Document (February 2022) insofar as it elaborates on the requirements of the housing policies of the LP.

Living conditions

16. The proposed dwelling would sit at an angle to the adjacent dwellings with the front and rear elevations facing towards the rear gardens of those neighbouring properties. Two windows on the first floor serving a bedroom would overlook the garden of 34 Tweenaways. A window serving another bedroom would face over the garden of 35 Tweenaways. The close proximity of the proposed development to those properties, combined with the elevated position of the windows in relation to the gardens, the occupiers of the proposal would have unrestricted and intrusive views of the occupiers of the neighbouring properties.
17. Despite the close proximity of the development to the neighbouring properties, the angled position of the proposal in relation to those properties means that the current outlook from the neighbouring dwellings would be retained. The proposal would not lead to an enclosing effect on the neighbours, nor would it form an overly dominant presence adjacent to Nos. 34 and 35.

18. For these reasons, the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, having regard to privacy. Consequently, the proposal would conflict with SP 1.7 of the LP, insofar as it seeks to avoid the significant reduction of privacy enjoyed by the occupiers of nearby properties.

Character and appearance

19. The appeal site is within DNP. In accordance with the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
20. The site is steeply sloping and is an area of scrubland that sits in between the return in two rows of terraced housing. The proposed dwelling would be glimpsed from Tweenaways through the gap in the two rows, but it would be significantly more visible from the lane that runs behind the housing due to the elevated position of the site. However, it would be seen in the context of the surrounding residential built form and would not appear as an isolated dwelling, nor would it result in a visual encroachment into the countryside.
21. The proposed dwelling would be three storeys, but it would be constructed from ground level that would be significantly lower than the adjacent dwellings. The ridge of the proposed development would therefore be, albeit not significantly, lower than the surrounding built form. The lowest storey would have a low internal head height and most of the sloping land below the dwelling would be retained. Furthermore, the lane is set down on substantially lower ground level than the site. As such, the lowest storey of the dwelling would not be easily visible from the lane. While the full scale of the proposal would be appreciable from the area in and around the entrance of the proposed drive into the site, the extent to which this can be seen in those public views would be limited.
22. The close relationship of the site to existing residential development and those dwellings forming a background to the proposal means that the proposed development would be congruent with the surrounding character and appearance of the site. The proposal would work sympathetically with the sloping nature of the site. Given that its ridge height would be lower than the surrounding residential development and that the full scale of the development would be visible from a limited area of the public realm, the proposal would not form a dominating presence on the lane or in relation to the adjacent properties. The proposal would therefore not harm the character and appearance of the area.
23. I acknowledge that the adjacent dwellings sit in a uniform pattern, but the proposal would be only glimpsed from Tweenaways, which is where the layout of the residential development on that road is appreciable. It is also noted that existing vegetation would be removed from the site to facilitate the development. However, compensatory planting is shown on the plans, and it would be possible to secure additional planting through an appropriately worded landscape condition. These matters do not, therefore, alter my judgment that the proposal would not harm the landscape and scenic beauty of the National Park.
24. For these reasons, the proposed development would not cause material harm to the character and appearance of the area, with particular regard to the landscape and scenic beauty of DNP. Consequently, the proposal would comply with SPs 1.1, 1.2 and 1.5 of the LP, which collectively seek, in part, the conservation

and enhancement of the character and quality of the National Park and for development to respect Dartmoor's vernacular. On this basis, I find that the duty to seek to further the statutory purposes of National Parks, most specifically in terms of conserving and enhancing natural beauty, would be met.

Planning Balance

25. As regards to the scheme's benefits, one additional self-build housing unit with reasonable access to surrounding facilities and services would be created. The Framework reaffirms the Government's objective of significantly boosting the supply of homes. Additionally, the Framework supports small sites coming forward for self-build and custom build housing. However, even though small and medium sized sites can make an important contribution to meeting the housing requirement of an area, one additional unit would not make a significant difference to the housing supply situation across the Authority's area. Nor would it make a discernible contribution to the delivery of self-build development in the National Park. These are therefore benefits that attract limited weight.
26. The proposal would also create jobs during the construction phase and provide support to the local economy through the occupiers using the local services and facilities. There would also be a social benefit resulting from the proposal supporting the vitality of the local community once occupied. Moreover, the provision of species rich planting on the site, bat and bird boxes and rainwater harvesting could potentially result in environmental benefits. However, given the small scale of the development, these benefits would be limited in weight.
27. In terms of adverse effects, I have identified conflict with the Authority's spatial strategy, in respect of location and affordability. In addition, I have found harm to the living conditions of the occupiers of neighbouring properties when having regard to privacy. In my judgement, the scheme's limited benefits would not outweigh these adverse effects.

Conclusion

28. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR