



Appeal Decision

Site visit made on 30 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/Q1153/W/25/3368226

The Bungalow (Road from Ingleigh Green Cross to Red Gate), Ingleigh Green, Winkleigh, Broadwoodkelly, Devon EX19 8AT

- 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 and Mrs Moss against the decision of West Devon Borough Council.
 - The application Ref is 3774/24/FUL.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including trees;
 - local housing needs; and
 - carbon emissions.

Reasons

Character and appearance

3. The appeal site comprises a small, detached bungalow positioned centrally within a large plot in a rural area. It is located within a landscape characterised by its sparse settlement patterns. The Council's assessments recognise that new development outside these areas should protect the landscape's rural character. While relatively close to the nucleus of a small grouping of properties, its position beyond a field and past a bend on a country lane creates a strong visual severance. Even with the presence of a nearby barn and a more distant property, it is part of the countryside.
4. The proposal would replace the existing bungalow with a new dwelling. Policy TTV29 of the Plymouth & South West Devon Joint Local Plan (JLP) is supportive of replacement dwellings in the countryside subject to a number of criteria being met. Criterion 2 of the policy requires that the size of the new replacement dwelling will not be significantly larger than the original house volume. JLP policies DEV20 and DEV23 require proposals to conserve and enhance landscape, maintaining a sense of place. Support is also given for a good standard of design where proper regard is required to deliver appropriate detailing, materials, scale, height, and massing. These policies are consistent with paragraphs 135 and 139 of the National Planning Policy Framework (the Framework) which say, amongst other things, that

developments should add to the overall quality of the area and be visually attractive as a result of good architecture. Development that is not well designed should be refused.

5. In respect of JLP Policy TTV29, the Council's Supplementary Planning Document (SPD) explains that when considering whether there would be a 'significant' change, two key elements should be taken into account. Those being: landscape or visual harm, and whether the number of bedrooms proposed by a change in size means household needs in the area are not met. I shall return to the second key element later. In respect of landscape and visual harm the SPD indicates that proposals of a similar massing would be unlikely to be considered to have a 'significant' impact. While not having the force of policy, the guidance is nevertheless useful.
6. In its comparison exercise, the Council focused on the resulting footprint of the new dwelling, rather than specifying the volume. It is however clear from the evidence that its concerns include the overall scale of the proposal. It is acknowledged that the existing bungalow has something of a sprawling footprint, though the scheme would nevertheless result in a notable increase in area. Even though increases in floorspace or the number of storeys is not precluded under the terms of TTV29, its 2-storey construction would nevertheless be substantially taller than its predecessor. This, together with about a doubling of width would result in a significant increase in overall volume. Even without an assessment of local household needs, there would be conflict with JLP Policy TTV29 in this respect.
7. There are differences in the scale, design, and use of materials on properties within the surrounding area. That said, although sited within the centre of a large plot, the proposed dwelling would include a prominent lopsided roof design. Additionally, the various beam arrangements are bulky and of an unusually complicated arrangement that is unattractive. Moreover, the fenestration detailing lacks uniformity, appearing somewhat unorganised. In light of the above, the proposed coated metal shingles would be likely to draw attention to these uncomplimentary design elements. It is accepted that the property would not necessarily be particularly prominent when viewed from longer distances. However, even with the proposed additional planting and tree protection measures, it would be eminently visible from the rural lane. As such, the eye would be drawn to its incongruity.
8. *Trees* - Whilst arboricultural information is limited, given the proposal would make use of existing hardstandings, it is likely that boundary trees could be satisfactorily retained using an appropriately worded condition. Although the new property would be closer to the Devon bank, the potential risk of pruning would nevertheless be similar with the permitted residential use of the appeal site. Moreover, the primary outlook for northern and southern elevations would be unlikely to be affected by shade. Furthermore, there is no substantive evidence to demonstrate that a landscaping scheme could not be employed to provide additional screening where trees may have been recently removed. For these reasons, there would be no conflict with JLP Policy DEV28.
9. Drawing these matters together, even though the proposal's effect on trees could be satisfactorily addressed using an appropriately worded planning condition, this would not outweigh the harm identified above. I therefore conclude on this main issue that the proposal would have a harmful effect on the character and

appearance of the area. As such, there would be conflict with JLP policies TTV29, DEV20, and DEV23.

Housing needs

10. Amongst other things, JLP policies SPT2 and DEV8 seek to promote a good balance of house types and sizes to widen opportunities for home ownership, creating sustainable, inclusive and mixed communities. Supported by local housing evidence, DEV8 is particularly concerned with redressing an imbalance within the existing housing stock, providing homes suitable for households with specific needs, younger people, working families, and older people who wish to retain a sense of self-sufficiency. This is consistent with paragraph 82 of the Framework which says decisions should be responsive to local circumstances and support housing developments that reflect local needs.
11. The evidence shows the number of 4 bed homes make up over half of the total local housing stock and that these are not fully occupied. Furthermore, households of 1 and 2 people are the most common.
12. That said, while I recognise the district wide requirement for, and the value of, entry level housing, there is little to show a particular local demand for small properties amongst the specific needs groups set out above. In that context, it is conceivable that working families may well prefer extra bedroom space, or that necessarily larger adaptable housing for older people may be desirable for many. Both parties have advanced appeal decisions at Folly Gate and Lamerton¹ in support of their case. However, neither of these are directly comparable with this scheme as they relate to affordable housing where viability was also at issue, and a specific house type on greenfield land as opposed to a replacement dwelling, respectively.
13. While the proposal would be significantly larger than the existing property, a detached property with a residential use of land is already in existence. Even though the existing property is in a poor state of repair, it remains conceivable that alterations and extensions to provide additional rooms could have been desirable. The poor condition of the property means that a replacement is needed, and an extra bedroom within a replacement property would therefore be a reasonable addition to the overall living space. In this particular set of circumstances, the effect on an imbalanced housing stock would be negligible.
14. I do however accept that the new property provides an opportunity to meet local housing need. In that respect, it is claimed there is a shortage of disabled access accommodation in the area, and I find no reason to disagree. The proposal would include wide circulation space throughout and options for a future lift. Minimum recognised space standards do not apply to such properties and although additional bedrooms could potentially be added at a later date, these are not shown on the plans.
15. Overall, in respect of this main issue, the scheme would make a positive contribution towards local housing needs by delivering accommodation for a self-sufficient household and those with a specific need. This aligns with the specified policy objectives of JLP Policy DEV8.

¹ Lamerton: APP/Q1153/W/21/3282233 Folly Gate: APP/Q1153/W/25/3359861

Carbon emissions

16. Amongst other things, JLP Policy DEV32 says that the need to deliver a low carbon future should be considered in the design and implementation of all developments. Opportunities such as reuse or recycling to minimise the use of natural resources should be identified. Additionally, developments should reduce the energy load by good layout, orientation, and design to maximise natural heating, cooling and lighting. The Council refers to its adopted Climate Emergency Planning Statement (CEPS) as being of key relevance. In particular, M5 of the CEPS seeks to offset the net overall carbon cost of the project within 25 years through carbon savings achieved by operational use of the replacement dwelling. While not part of the development plan, the CEPS is nevertheless a material consideration.
17. I have paid regard to the Council's Low Carbon Officer comments including their reference to paragraph 163 of the Framework and various caselaw which highlights the need to consider mitigation and adaptation to climate change in assessing planning applications. I agree with the Council that the evidence is limited in respect of the carbon costs of the development. However, the Council accepts that the existing building is at the end of its design life, and there is little evidence to demonstrate that its condition and construction materials could realistically be safely reused, save for some concrete bases, which form part of this proposal.
18. While the evidence does not convincingly demonstrate that carbon costs would definitely be offset within 25 years, a well-designed building that utilises low carbon building materials and techniques could nevertheless achieve notable savings. In that context, the appellant says that the dwelling would be constructed from modern building materials and insulated markedly above levels required by current building regulations standards. Additionally, mechanical ventilation, triple glazing, and air source heating would be incorporated into a design, layout and orientation that is likely to reduce the energy load of the development, as required by JLP Policy DEV32.
19. Had I been otherwise minded to allow the appeal, I am satisfied that significant carbon reduction measures could be secured using an appropriately worded condition. As such, in concluding on this main issue, the proposal would be consistent with the broad policy objectives of DEV32 to half 2005 levels of carbon emissions by 2034 in identifying opportunities to minimise the use of natural resources over the development lifetime.

Other Matters

20. In respect of carbon emissions, I have been provided with some appeal examples. While similarities are noted, the scheme at Bondleigh² is materially different to this proposal in that it was concerned with reliance on a fallback position to attempt to show a betterment, rather than the demolition of a building that is at the end of its design life. The Dream Hill Garage³ case involved the demolition of a building though I am not aware of the site-specific circumstances surrounding its condition. It is not therefore possible to make a direct comparison between the two. In any case, I have assessed this scheme on its merits.

² APP/Q1153/W/23/3330619

³ APP/K1128/W/24/3342419

21. There are some listed buildings in the surrounding area. As such, there is a statutory duty to pay special regard to the desirability of preserving their setting. The appeal proposal is somewhat separated from these buildings by intervening fields and vegetation. For these reasons, the proposal would have a neutral, and thus, preserving effect on their setting. Accordingly, I am satisfied the proposal meets the requirements set out in s.66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act).
22. The evidence shows that the appellant intends for the new dwelling to be a self-build. Conditions requiring occupation of the dwelling by the person who built it would be unlikely to pass the tests within paragraph 56 of the Framework. There is no alternative mechanism before me to secure its occupation in this way. Accordingly, this part of the scheme cannot be relied upon, and I give this matter little weight. As I am dismissing the appeal for other reasons, I have not explored the implications in respect of biodiversity net gain.

Planning Balance and Conclusion

23. Considering the main issues in the round, I have concluded that the proposal would have a positive effect on local housing needs and could be delivered in such a way as to reduce longer term carbon emissions. However, this is not outweighed by the harm identified to the character and appearance of the area. The policies identified in this respect are broadly consistent with those set out in the Framework and can therefore be given substantial weight. The proposal conflicts with the development plan as a whole.
24. It has been brought to my attention that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, where there is a current supply of 2.53 years. Paragraph 11 (d) of the Framework indicates that where the required supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. In that context, the importance of good design is embedded within the Framework, and it is explained in paragraph 11 d) ii. that particular regard is paid to key policies for securing well designed places. Footnote 9 identifies paragraphs 135 and 139 as 2 of these key policies. The development would not be visually attractive as a result of good architecture, and neither would it add to the overall quality of the area. The identified conflict with these policies weighs heavily against the proposal.
26. Against this adverse impact, I need to balance the benefits. The social benefits of housing delivery carry significant weight, although these are tempered by the fact that the scheme is for a replacement dwelling that would have very little effect on the housing shortfall. The scheme would however secure longer-term accommodation which would bring some economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. The provision of adaptable housing supporting a local need as set out in paragraph 82 of the Framework is a benefit that can be afforded some modest weight. There would also be some limited environmental benefits by the use of sustainable construction methods aimed at reducing longer term carbon emissions.
27. However, for the reasons given above, the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would

not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.

28. 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, the appeal should not succeed.

J Hills

INSPECTOR