



Appeal Decision

Site visit made on 21 November 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 January 2024

Appeal Ref: APP/W1145/W/23/3321302

Syringa, Road Heading Southeast from Silford Cross, Northam, Devon EX39 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Clifford Dark (Robeda Builders) against the decision of Torrington District Council.
 - The application Ref 1/0960/2022/OUT, dated 5 September 2022, was refused by notice dated 1 December 2022.
 - The development proposed is described as 2 live-work dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with appearance, landscaping, layout and scale all identified as reserved matters. As such, where the proposed site plans show any information relating to these matters, I have treated this as illustrative for the purposes of making my decision.

Main Issues

3. The main issues are: (i) whether or not the proposed development would be in a suitable location, having regard to the Council's spatial strategy and access to services and facilities, and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The proposed development would provide two new live-work dwellings within the hamlet of Silford, a very small settlement that contains no services or facilities.
5. The appellant has suggested that the North Devon and Torrington Local Plan, October 2018 (LP) should be considered to be out of date given that it does not contain specific policies regarding live-work units. However, there is no conflict with the National Planning Policy Framework (the Framework) in this regard, and the Council is not required to include such policies within their plan. As a result, while the LP is more than five years old, I do not consider that the relevant policies should be deemed out of date, and it is therefore appropriate to assess the proposal against the Council's adopted spatial strategy.

6. LP Policy ST07 identifies that the appeal site forms part of the countryside, wherein new development will be limited to that which would meet local economic and social needs, among other things. The appeal relates to an outline application, and therefore details of the proposed workspaces are limited. However, the appellant has suggested that a condition be imposed that would secure a minimum of 25% of the ground floor of each dwelling for such uses. Based on this evidence, it is clear that the majority of the proposed development would be in residential use and that the dwellings would be for sale on the open market. As such, when considered as a whole, the proposal would not accord with the requirements of LP Policy ST07. Indeed, allowing such a scheme in a countryside location would clearly undermine the Council's spatial strategy which seeks to direct open market housing to more sustainable locations. It would also risk setting a precedent that any scheme that enables working from home could be acceptable within the countryside.
7. Furthermore, while the small amount of proposed employment space could provide some local benefits, and that economic development in rural areas is encouraged by LP Policies ST07 and DM14, it is unclear from the evidence before me what specific employment need the development would cater for, or why it is required in this location.
8. My attention has been drawn to a Court of Appeal Judgement¹ where it was noted that the phrase 'isolated development in the countryside' simply means a dwelling that is physically separate or remote from a settlement. With regards to the appeal before me, the site is well connected to existing buildings either side, including the host dwelling known as 'Syringa'. As such, I recognise that the appeal site cannot be considered to be isolated when considered against Paragraph 80 of the National Planning Policy Framework (the Framework). However, this does not alter the fact that the proposal is in conflict with the relevant LP policy with regard to its countryside location.
9. The provision of dedicated workspaces as part of the proposed development would likely reduce the need for future occupiers to travel for work purposes. However, given the lack of services that exist in the immediate area, it would still be necessary to travel to nearby settlements such as Bideford, Northam or Westward Ho! to access facilities that are required for everyday living, including supermarkets and schools among other things. LP Policy ST10 part 3(g) seeks to ensure that access to new development is safe and appropriate. In this instance, walking or cycling from the appeal site to surrounding settlements could be possible. However, doing so would take quite some time, and for part of the journey, would involve travelling along narrow, unlit roads. With regards to Bideford, the journey would also require crossing the busy A39. As a result, walking or cycling to these destinations would be an unfeasible alternative to use of the private car for most people, particularly in adverse weather or during the hours of darkness.
10. The appellant has noted that a large-scale development, known as Daddon Hill Farm, has been permitted to the north of the appeal site². It is proposed that this scheme would deliver various facilities such as a primary school, a community centre and a GP surgery. However, this site is still distanced from the hamlet of Silford, and there is not an easy or direct route between the two for non-car users.

¹ Braintree District Council v Secretary of State for Communities and Local Government and others [2018]

² Council reference: 1/1192/2015/OUTM

11. As a result, the use of sustainable modes of transport would be unattractive for future occupiers in this location, and as such, it is highly likely that the majority of trips to access services and facilities would be undertaken by private car.
12. I therefore conclude that the proposed development would not be in a suitable location, taking into account the Council's spatial strategy and access to services and facilities. As such, the proposal conflicts with LP Policies ST07 and ST10 part 3(g). Taken together, the relevant aspects of these policies seek to ensure that new development is provided in sustainable locations, and in areas that encourage the use of sustainable forms of transport.

Character and appearance

13. The appeal site forms part of the private garden space associated with the dwelling known as 'Syringa' which is a detached bungalow, situated within a large plot of land with agricultural fields immediately to the east and west. Given its countryside location, the area has a spacious and verdant appearance. The Landscape Character Assessment, 2011 (LCA) identifies that the site forms part of character type 5B 'Coastal Undulating Farmland'. The LCA sets out that the area is noted for its peace, tranquillity and low levels of development. It recommends that new development should, among other things, protect the tranquillity of the area and the dispersed settlement pattern that currently exists.
14. In this instance, the proposed dwellings would be situated between 'Syringa' and a terrace of three dwellings immediately to the south. As such, while the development would be easily seen from the road, it would not visibly encroach on the surrounding countryside. In addition, longer distance views of the development would be limited by the sloping topography of the area and the established trees and vegetation surrounding the site.
15. The proposal would clearly result in the provision of additional built form, along with the inevitable domestic paraphernalia that would accompany it. However, given that there are already residential dwellings in the immediate surrounds, I do not consider that a modest addition of two new homes would erode the existing tranquil character of the surroundings, as identified by the LCA. Furthermore, there is sufficient space on the site to ensure that the two dwellings would have generously sized gardens, while a large area of private outdoor space to the front of 'Syringa' would also be retained. As such, the existing spacious and verdant character of the area would be preserved.
16. The existing dwellings nearby are of wide ranging styles and sizes. As a result, while appearance, landscaping, scale and layout are reserved matters, I have no reason to believe that the proposed dwellings could not be designed in such a way as to conform with the prevailing character of the area.
17. The site forms part of an important green wedge that extends from Pusehill Road to the west, through to Goats Hill Road to the north east. LP Policy NOR10 states that the purpose of this designation is to protect the individual identities of the settlements either side by preventing development that would lead to, or contribute towards, their coalescence. In this instance, the proposed development is minor in nature and, as noted above, it would be visually contained by existing development either side. I am therefore satisfied that the proposal would not conflict with the aims of Policy NOR10.

18. In addition, the proposed development would generally preserve the character and appearance of the area, meaning that there would be no conflict with LP Policy ST14 parts (f) and (g), which seek to preserve existing landscape character and the distinctiveness of the area.

Other Matters

19. The Council acknowledges that, at the time the application was determined, it was not possible to demonstrate a 5 year supply of deliverable sites. However, an update paper was presented as part of their appeal statement which sets out that the situation has changed and that the level of future supply is now 5.9 years. A recent appeal decision³ confirmed that position, albeit the identified supply was less than 5.9 years. The appellant has not provided evidence that would lead me to reach a different conclusion. I am therefore satisfied that paragraph 11d of the Framework should not be engaged in this instance.
20. Nevertheless, the appellant has provided details of a further appeal wherein the Inspector noted that the proposed development would assist in maintaining a future pipeline of delivery given that the Council's ability to demonstrate a 5 year supply was marginal. However, the context was quite different to the appeal before me as it involved a much greater quantum of development. In this instance, two dwellings would do very little to help maintain a sufficient future supply of housing.
21. The appellant has also noted that the Council granted permission for one open market dwelling near to the appeal site⁴. I do not have the full details of that scheme before me. However, given that the Council was not able to demonstrate a 5 year supply at that time, the planning balance was quite different and the situation is not directly comparable to this appeal.

Conclusion

22. I have found that the appeal proposal would not be in a suitable location. Consequently, it would conflict with the development plan taken as a whole, notwithstanding that I have not found harm in relation to character and appearance. Whilst the provision of two live-work dwellings would contribute to local housing supply, and could provide some economic benefits for the local area, the small-scale nature of the scheme means that any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR

³ Appeal reference: APP/X1118/W/23/3318751

⁴ Council reference: 1/1035/2022/OUT