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# Appeal Decision

Site visit made on 3 September 2024

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> September 2024**

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**Appeal Ref: APP/W1145/W/24/3343464**

**Land South of 1 North Town, Petrockstowe, Devon EX20 3HD**

- 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 Grahame Phillips against the decision of Torridge District Council.
  - The application Ref is 1/0997/2023/FUL.
  - The development proposed is construction of dwelling with associated works for occupancy by local person.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant queries whether or not the Council is able to demonstrate a 5 year supply of housing due to figures dating back to 2023. They say that unless additional land has been allocated for development, the figure would be likely to be closer to a 4 year supply. The Council's position is that a 5.17 year supply of housing was published in November 2023. Whilst this figure is of some age, in the absence of any compelling evidence to the contrary, I have determined this appeal on the basis that a 5 year supply is in place.

## Main Issue

3. The main issue is whether the site would be a suitable location for market housing having regard to local planning policies.

## Reasons

4. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) sets out the strategy for development in rural settlements where appropriately located development of a modest scale will be enabled to meet locally generated needs. In qualifying rural settlements, as is the case with Petrockstowe, Policy DM24 of the LP sets out relevant criteria for local occupancy dwellings to meet a locally identified housing need. Amongst other things, support is given subject to the site being within or directly adjoining the built form of the settlement and there being secure arrangements in place to ensure dwellings meet these needs in the immediate and longer term.

5. The appeal site is within the settlement and is surrounded by other residential development. The proposal would provide a small 2-bed detached property over 2 storeys. The Council is not concerned with the location or scale of the development proposed. However, it is the matter of a locally identified housing need that is at issue.
6. The appellant agrees with the requirements of policies ST07 and DM24 of the LP. They have submitted a draft S106 legal agreement that they say they are content to enter into. However, this document has not been signed or dated and includes an incorrect appeal reference number. This means it is not legally sound and does not carry any weight. In accordance with paragraph 18.2.1 of the appeals procedural guide<sup>1</sup>, there are no very exceptional circumstances that would justify delaying a decision until an executed obligation was submitted. The efficient operation of the appeals process necessitates that I determine this appeal on the evidence before me.
7. Setting that aside momentarily, it is said that small-scale properties such as this proposal are in shortage in the area. Additionally, the appellant claims its relatively low cost, compared with the majority of dwellings in the settlement, could justify the development without a S106 agreement. Moreover, it is agreed that the proposal would contribute towards the supply of housing in a relatively well served rural settlement that contains a number of local services. Despite this, there is no dispute that there would still be a reliance on motor vehicles for day-to-day needs.
8. I acknowledge the appellant's property letting experience. However, even if the property were to be initially sold at lower value, making it more affordable to local people, there would be no mechanism to control its future value or occupancy. In the absence of such restrictions, the proposal would fail to meet locally generated needs within this small rural community. This is an important part of the Council's housing strategy within its LP that must be given considerable weight.
9. For the above reasons, the site is not a suitable location for market housing having regard to local planning policies. As such, there would be conflict with policies ST07 and DM24 of the LP.

### **Other Matters**

10. My attention has been drawn to the planning history that includes a permission in principle that was allowed at appeal<sup>2</sup>. However, that decision was made at a time when the Council could not demonstrate a sufficient supply of housing. As such, the Inspector considered the housing policies to be out of date, which ultimately weighed in favour of permitting the first stage to the planning in principle. Importantly, the Inspector noted in their final paragraph, that should the housing supply position change, it is possible that a planning obligation could be secured at the second stage in the process for that application type.
11. This is a scenario that has evidently played out. Therefore, the previous permission in principle is not a material consideration that indicates that a

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<sup>1</sup> Procedural Guide: Planning appeals – England, Updated August 2024

<sup>2</sup> Appeal Ref: APP/W1145/W/21/3269210

decision otherwise than in accordance with the development plan should be made.

12. I have paid regard to the appellants comments in respect of highway safety. Whilst I acknowledge 3<sup>rd</sup> party representations in this regard, this not a matter in dispute between the main parties. In any case, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.

13. There is a grade II listed building near the appeal site and consequently there is a statutory duty to pay special regard to the desirability of preserving its setting. The grade II listed Denford's significance derives from its 16<sup>th</sup> century origins as a farmhouse, with later 19<sup>th</sup> century additions and rendered walls. The appeal proposal would be visible from the listed building and would be in its setting. However, the proposal would be of a modest scale, and of a similar design to the properties it would be next to. It would also include rendered walls with a slate roof. Although closer to the listed building, it would be set at a lower level behind vegetation and an intervening road. For these reasons, harm to the setting and significance of the listed building would be avoided.

### **Conclusion**

14. For the reasons above, and taking into account all other matters raised, I conclude that the development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

*J Hills*

INSPECTOR