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# Appeal Decision

Site visit made on 7 July 2015

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2015

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## Appeal Ref: APP/K1128/W/15/3007538

### Land adjacent 11 Hilltop Cottages, Brixton, Plymouth PL8 2AY

- 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 Phill Fuller against the decision of South Hams District Council.
  - The application Ref 07/3037/14/F, dated 12 November 2014, was refused by notice dated 26 January 2015.
  - The development proposed is 2 residential building plots.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application was made in outline with the matters of access and scale to be considered. All other matters would be reserved for future consideration.

### Main issue

3. I consider the main issue in this case to be whether the proposal would amount to sustainable development.

### Reasons

4. The site lies adjacent to a group of 3 cottages in open countryside, about half a kilometre from the edge of the village of Brixton. The village, with a limited range of facilities, is located on the A379 Plymouth-Exeter coast road. Access to the site is by a narrow country road leading off the A379 to the west of Brixton. To the northwest, a group of commercial buildings, including a garden centre, filling station and car showrooms, straddles the A379. A driveway off the country road, adjacent to the site, leads to a small industrial estate located to the north east of the commercial group. There are other sporadic pockets of development on and near the A379 between the boundaries of Brixton and nearby Plymouth. The local development plan designates Brixton as a settlement but, in planning policy terms, none of the other small pockets of development either individually or cumulatively can be regarded as established settlements.
5. The site is currently in use as a touring caravan park, licensed by the Caravan Club as a certified location for up to 5 caravans throughout the year. This is essentially a rural activity. I note that there are no technical highway objections to the use of the existing access to the site, which essentially meets current standards, to provide access to the proposed new houses.

6. The appellant argues that, since the Council cannot demonstrate a 5 year supply of deliverable housing sites, in accordance with the National Planning Policy Framework the Local Plan is out of date and development boundaries do not apply; the proposal should therefore be granted planning permission. However, in the light of the judgement in *Cheshire East Council v SSCLG and Richborough Estates Partnership*<sup>1</sup> I consider South Hams LDF policy CS1 - which restricts development outside named settlement boundaries - not to be a policy which makes provision for housing; while it might have an indirect effect of restricting housing development, it is not a relevant policy for the supply of housing so Framework 49 and 14 are not engaged. The appeal must therefore be determined in accordance with the local development plan unless there are other material considerations to indicate otherwise.
7. The site lies in the countryside, outside any settlement. LDF policy CS1 makes it clear that any development outside a settlement boundary will be strictly controlled and can only be permitted where it responds to a demonstrable local need. DPD policy DP15 sets out the criteria for development in the countryside: such development must require a rural location and support the needs of agriculture or meet the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries. These criteria reflect the special circumstances set out in Framework 55, which allows some rural housing as an exception to policy.
8. The provision of new houses in the countryside, unrelated to the needs of any specifically rural activity, does not fall within these criteria. Brixton is a settlement where development within the boundary is acceptable in principle. While self-build is an important part of national housing policy, I note that other development is taking place within or adjoining Brixton and I have no evidence to show that the development needs of the village, including provision for self-build, cannot be met within its boundaries. Since there is no demonstrable need for the new houses to be in this rural location, the proposal would conflict with the objectives of LDF policy CS1, DPD policy DP15 and the Framework intended to protect the countryside from unnecessary development.
9. The village has a limited range of local facilities so the occupiers of the new houses would most likely have to travel for employment, schools, leisure and major shopping purposes. Siting new housing development where such facilities are not readily accessible is not a sustainable approach to development. The site's fairly remote location outside the northern edge of the village means that it is not particularly well related to the local facilities. The appellant indicates that the village centre, including a main road bus stop, is within a 12 minute walk from the site and that shopping facilities are also available within a few minutes' walk at the garden centre and filling station. That may be so but at least part of both journeys would be along narrow, unlit roads with no pavements. Access to the garden centre and filling station would involve crossing a busy main road where there is no provision for safe pedestrian crossing. While a cycle route to Plymouth starts near the garden centre, these are substandard and unattractive routes for pedestrians and I consider it more likely, particularly for longer journeys, that the occupiers of these houses would choose to travel by car.
10. Thus, while there would be some choice of means of travel, in practice the alternatives to using a car would not be very attractive so the development would

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<sup>1</sup> [2015] EWHC 410 (Admin)

not minimise to any proper extent the need to travel by car. That would not be entirely consistent with the Framework objective of providing a realistic choice of sustainable means of transport. Overall I consider that the site is not in a particularly sustainable location for residential development.

11. Furthermore, promoting residential development in association with such essentially rural activities as the garden centre and roadside filling station would lead to the urbanisation of the countryside, with the loss of its character and beauty, and increase the potential for coalescence of the 2 neighbouring settlements. That would not conserve the quality of the district's countryside, in conflict with LDF policies CS1 and CS9 and DPD policy DP2.
12. There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of 2 new houses would make a positive but limited social contribution to the district's shortfall in housing supply and would also bring some limited economic benefits for the village. However, the site is outside the village so that residents would be likely to rely on the use of their cars for most journeys. The development would take place in the countryside, undermining the development plan policies directing residential development to sustainable locations and the purpose of key rural protection policies. The proposal would result in environmental harm, so that it would not achieve all 3 dimensions of sustainable development.
13. The proposal does not therefore amount to sustainable development. While there would be some limited benefit in the provision of 2 new self-build housing plots, that would be decisively outweighed by the harmful environmental impact it would have. The proposal would conflict with the provisions of the local development plan and would be inconsistent with the objectives of the Framework. There are no other material considerations sufficient to outweigh that conflict. For the reasons given above I conclude that the appeal should be dismissed.

*Colin Ball*

Inspector