
Appeal Decision

Site visit made on 23 May 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/K1128/W/17/3170695

The Old Station, Chittleburn Hill, Brixton PL8 2BH

- 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 & Mrs Court against the decision of South Hams District Council.
 - The application Ref 3511/16/OPA, dated 2 November 2016, was refused by notice dated 13 February 2017.
 - The development proposed is construction of detached (3 bedroom) house and garage, including non mains sewerage system.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached (3 bedroom) house and garage, including non mains sewerage system at The Old Station, Chittleburn Hill, Brixton PL8 2BH in accordance with the terms of the application, Ref 3511/16/OPA, dated 2 November 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The application was made in outline with all matters reserved except access and I have determined the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site provides a suitably accessible location for the proposed development.

Reasons

Character and appearance

4. The Old Station is part of a small cluster of development which is situated on either side of the A379 at Chittleburn Hill. It comprises a relatively tight-knit built up area including a filling station, a car dealership and a large garden centre, together with a handful of dwellings. The surrounding landscape is otherwise rural in nature, being dominated by open fields, which form a clear break in development between Plymouth and Brixton.
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5. The appeal site forms part of the existing garden of The Old Station, which is situated immediately to the north. On the adjacent land to the south there is a storage yard used by the nearby garden centre, to the west is a cycle track and former railway line and to the east is the access driveway which slopes a short distance upwards to adjoin the A379. The immediate confines of the site are therefore more characteristic of a built up area than the agricultural fields which define the wider landscape.
6. The proposed dwelling would lead to a loss of openness as it would occupy much of the existing garden of The Old Station. However, it would not be easily seen from public vantage points along the road frontage and the site is well screened by mature trees along its western boundary. Although it may be partly glimpsed from the cycle path (depending on its design and siting) it would be seen in the context of other nearby development and would not appear prominent in the wider landscape.
7. I accept the Council's point that piecemeal development outside established settlement boundaries has the potential to harm the rural appearance of the area. However, in the specific circumstances of this particular case, the proposed dwelling would be very well integrated within an existing group of development where it would not be conspicuous. As such, it would not blur the distinction between the boundaries of settlements or otherwise harm the character of the countryside in this location.
8. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy DP1 of the South Hams Local Development Framework Development Policies Development Plan Document (the DPD) which aims to ensure that new development respects the distinctive characteristics of the local landscape and settlements.

Location

9. Policy CS1 of the South Hams Local Development Framework Core Strategy 2006 (the Core Strategy) allows development to take place within a limited number of named settlements. For the purposes of the policy, land outside the boundaries of these settlements is treated as being part of the countryside, where new development is strictly controlled. As the appeal site is situated outside a defined settlement boundary, it is not a location where general housing development would normally be supported by the policy.
10. However, I understand that the Council are unable to demonstrate a five year supply of deliverable housing land. In such circumstances, paragraph 49 of the National Planning Policy Framework (the Framework) indicates that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that there is a presumption in favour of sustainable development and when development plan policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
11. According to its supporting text, the overall purpose of Policy CS1 is to ensure most new development is focused within the most accessible locations close to shops, services and employment opportunities. It seems to me that this is broadly compatible with the core principle of the Framework to support the transition to a low carbon future and to actively manage patterns of growth to

make the fullest possible use of public transport, walking and cycling. Therefore, although I am informed that the settlement boundaries were established over 20 years ago, I nonetheless give Policy CS1 a good degree of weight in this appeal despite the fact it is out of date.

12. The part of the A379 running between Plymouth and Brixton is a busy section of road with no pavements or street lighting along the majority of its length. As such, it does not provide a safe route for pedestrians. While the road is not particularly inviting for cyclists, there is a dedicated cycle track immediately to the rear of the appeal site which provides a route into Plymouth and the suburb of Elburton. This would provide a viable cycling option for future occupiers of the proposed dwelling wishing to reach the local shops and services in Elburton, at least during daylight hours.
13. Whilst the cycle track is also open to pedestrians, the distance between the appeal site and the shops at Elburton is lengthy and would involve a substantial walk. The track is also unlit and mainly isolated, which further reduces its attractiveness as a pedestrian route. It therefore seems unlikely that future occupiers of the proposed dwelling would consider the cycle track to be a practical or convenient way of accessing local services by foot.
14. Although there are some business in the area, including a car dealership and garden centre, these are not places where everyday needs for shopping or other services can be easily met. However, the filing station in close proximity to the appeal site has a small shop where a limited range of provisions can be purchased such as a newspaper or milk. Whilst this shop may not be sufficient to meet many needs, it nonetheless has some potential to reduce the need to travel (albeit by a limited extent). I am also mindful that there is a bus stop near the entrance of the appeal site which I am informed connects with Plymouth. As such, there is some potential for future occupiers to access jobs and higher order services within the city by using public transport.
15. The Council draw my attention to an appeal decision at Grenofen¹ where it was determined that reliance on a bus service alone would not result in the site being particularly accessible. However, in the current appeal my assessment of the immediate surroundings leads me to conclude that the site has a reasonable level of accessibility given its close proximity to not only a bus stop but also a cycling path into Elburton together with the presence of a small shop very near the site entrance.
16. I have also been referred to an appeal decision for residential development at Hilltop Cottages which was dismissed on the basis that future occupiers would be heavily reliant on private vehicles. Although I have been given some quotes from that decision, I have not been provided with the exact details of its location or the reference number. It is therefore difficult for me to make direct comparisons. My decision in the current appeal is based on the unique circumstances of the appeal site and its immediate surroundings. It is not an indication that all potential development sites in the surrounding area should be considered to be accessible.
17. I therefore conclude on this issue that the site is a suitably accessible location for the proposed development. There would be no conflict with Policy DP7 of

¹ Appeal Decision: APP/Q1153/W/15/3127880

the DPD which aims to ensure that development sites are accessible by means other than private vehicle. Although the proposal would not be in accordance with the terms of Policy CS1 of the Core Strategy and Policy DP15 of the DPD which do not support general housing development outside defined settlement boundaries, it would not harm the overarching objectives of these policies to support a sustainable pattern of development. For similar reasons there would be no conflict with the Framework in this regard.

Conclusion and Conditions

18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit conditions.

C Cresswell

INSPECTOR

Schedule of Conditions

- 1) Details of appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.