

Appeal Decision

Site visit made on 22 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 02 December 2016

Appeal Ref: APP/P1133/W/16/3155608

Ambrook Barn, Road past Ambrook Farm, Torbryan, Devon TQ12 5UW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Judy Williams against the decision of Teignbridge District Council.
 - The application Ref 16/00533/FUL, dated 23 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is use of land for the siting of a timber lodge for holiday lettings purposes and provision of an ancillary storage building.
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Decision

1. **The appeal is dismissed** insofar as it relates to the siting of a timber lodge for holiday lettings purposes.
2. **The appeal is allowed** insofar as it relates to the provision of an ancillary storage building and planning permission is therefore granted for an ancillary storage building at Ambrook Barn, Road past Ambrook Farm, Torbryan, Devon TQ12 5UW in accordance with the terms of the application Ref 16/00533/FUL, dated 23 February 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 16/086/05 and Block Plan (insofar as it relates to the proposed ancillary storage building).
 - 3) Prior to the installation of any external lighting on the outside of the building hereby approved or elsewhere on the site, full details including design, siting and illumination type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

Main Issue

3. The main issue is whether the site would provide a sustainable location for the proposed development.

Reasons

4. The appeal site is part of an open field which is laid to pasture and appears to be used for grazing. Apart from a small wooden shed, the site is otherwise open and undeveloped, with hedgerows and trees defining the surrounding field
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boundaries. A lake, which I understand is used for recreational fishing, is situated a short distance from the appeal site within an adjacent field. Although there is a small group of dwellings within the vicinity, the area is distinctly rural in nature, forming part of the open countryside.

5. The application indicates that the proposed lodge would be used for providing tourist accommodation associated with the existing fishing lake. Nonetheless, even with a condition to restrict occupancy to holiday use, the proposed lodge would still constitute a new unit of residential accommodation within a countryside location. I have not been informed of any local shops or services within convenient walking or cycling distance of the appeal site and nor am I aware of any nearby public transport links. It is therefore most likely that future occupiers of the proposed lodge would be reliant on private vehicles in order to meet their everyday needs, such as buying groceries or visiting tourist attractions within the area. Although many visitors to the countryside may use cars, holiday units in areas which are remote from local facilities are likely to generate more journeys than holiday units in locations where shops and services are more easily accessible. Hence, the proposed lodge would contribute to a dispersed pattern of development that would cause environmental harm as a result of increased car journeys.
6. In terms of social benefits, I appreciate that the proposed accommodation may help to support local shops and services in nearby villages. However, these may be equally well supported by dwellings in more accessible rural locations near public transport routes or within a more convenient walking distance of basic facilities. Besides, I have not been informed of what facilities exist within nearby villages and it is therefore not clear what role the appeal proposal could play in helping to support the viability of these communities. As such, I assign little weight to the benefits of the proposal in this regard.
7. Turning to the potential economic benefits of the proposal, I am very mindful that the Teignbridge Local Plan 2013-2033 (the Local Plan) recognises the importance of the tourism sector and seeks to support rural businesses. However, little evidence has been provided to demonstrate any on-going business activity within the site and I note the Council's point that the fishing lake does not appear to be actively advertised or run as a business. Even on the basis that the lodge would constitute a new enterprise on the site, there is limited information before me to explain how it would operate or whether it would amount to a viable tourism venture. In the absence of further evidence in this respect, such as a basic business plan, the weight that I can assign to the economic benefits of the proposal is somewhat limited.
8. Policy S22 of the Local Plan indicates in criterion (b) that tourist uses may be acceptable in the open countryside. However, this is on the proviso that the development is needed to meet various aims, which includes the achievement of sustainable settlements and a resilient rural economy. For the reasons outlined above, insufficient evidence has been presented in this appeal to show that the proposal would help to improve the sustainability of local villages or would support a viable rural enterprise. Therefore, although the appellant argues that the proposal complies with criteria (f) to (i) of Policy S22, the proposed lodge would not be supported by the policy as a whole.
9. It is also argued that the proposal is supported by Policy EC11 of the Local Plan which allows certain forms of tourist accommodation in the countryside,

including new campsite or caravan sites. The appellant indicates that the lodge meets the lawful definition of a caravan and I accept that the policy does not stipulate a minimum number of caravan units for any particular site. However, the overall purpose of Policy EC11, as stated in its first paragraph, is to support the sustainable expansion of the tourist industry. I have already determined that insufficient information has been provided to show that the proposal would constitute a viable tourism venture. This remains the case even if the proposal were to be treated as a caravan site for the purposes of Policy EC11. Hence, the policy does not help to justify the proposal.

10. The National Planning Policy Framework (the Framework) indicates that the overall purpose of the planning system is to achieve sustainable development, of which there are three dimensions; environmental, social and economic. Assessed against these dimensions, I have found that the proposed lodge would cause environmental harm by virtue of its inaccessible location. Based on the evidence provided, the social and economic benefits of the scheme would not be sufficient to outweigh this harm. Therefore, taken as a whole, the proposed lodge would not constitute sustainable development.
11. In respect of the proposed timber lodge, I therefore conclude that the site would not provide a sustainable location for the proposed development. The lodge would not comply with Policies S1 and S1A of the Local Plan which promote sustainable development. There would also be non-compliance with Policy S22 of the Local Plan which controls development in the countryside. Furthermore, the lodge would conflict with paragraph 55 of the Framework insofar as the proposal would result in a new unit of accommodation in a relatively isolated rural location.
12. However, the application also proposes a small storage building which would be physically separate from the proposed lodge. The appellant argues that the building is necessary for the storage of machinery and feed associated with the on-going maintenance of the land. Given that the land is being managed for grazing, I accept that a modest building such as this may be reasonably required to support a rural activity of this kind. As such, I consider that it would meet the terms of Policy S22 (b) insofar that it would support a use related to agriculture. Furthermore, I do not consider that the building would result in any discernible harm. Whilst the Council raise some concerns over the proposed location of the building, it would be positioned towards the southern boundary of the site and would not be particularly conspicuous from any public vantage points, including the site entrance. Although I am aware that there are legally protected bats in the vicinity, a condition to regulate outdoor lighting could be imposed.
13. In respect of the proposed storage building I therefore conclude that the site would provide a sustainable location for the proposed development. There would be no conflict with Policies S1, S1(A) and S22 of the Local Plan or paragraph 55 of the Framework.

Overall Conclusion

14. I have found that the proposed storage building would be acceptable in planning terms whilst the proposed timber lodge would not. Since both of the proposed buildings are separate and distinct, I have issued a split decision in this case, allowing the appeal in relation to the proposed ancillary storage

building and dismissing the appeal in relation to the proposed timber lodge for holiday lettings purposes.

Conditions

15. In the interests of clarity, a condition requiring compliance with the approved plans has been imposed, together with the standard time limit condition. In order to help safeguard the foraging paths of protected bats, I have also imposed the condition suggested by the Council which controlling the installation of outdoor lighting.

Colin Cresswell

INSPECTOR