The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/W1145/W/16/3154781
Seabreeze CL Site, Long Lane, Appledore, Bideford, Devon EX39 1NF

- 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 Mr R S and Mrs A Bushby against the decision of Torridge District Council.
- The application Ref 1/0139/2016/FUL, dated 8 February 2016, was refused by notice dated 30 March 2016.
- The development proposed is the permanent siting of lodge accommodation and store at Seabreeze CL site.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the site would be suitable for the proposed development, having regard to the character and appearance of the area; and,

   - the effect of the proposed development on the character of the Coastal Preservation Area.

Reasons

Whether the Site Would Be Suitable for the Proposed Development

3. The appeal site sits on the north western side of Long Lane. It is outside of any settlement boundary and as such is in the countryside. The site is adjacent to two bungalows, which mark the edge of the small settlement of Watertown. On all other sides the site is bounded by open fields. Whilst there is some dispersed residential development in the vicinity of the site, the area is predominantly rural in character. Since 2015, the appeal site has formed part of a Certificated Location (CL) of the Caravan Club, accommodating up to five caravans.

4. The appeal development would comprise a single storey lodge for use as a two bedroom dwelling together with a separate store for equipment associated with the operation of the CL site. Both structures would be finished in wood effect cladding with grey pantile effect sheet roofing. The appellants wish to reside on the site to supervise the operation of the CL site and submit that the proposal would provide live-work facilities.

5. The proposed store building would be a compact structure and would extend to a maximum ridge height of 3 metres. Its use would be ancillary to the operation of the CL site. Given its size and siting close to the existing hedgebank in the northern part of the site, I do not consider that it would detract from the established rural character of the area.

6. However, the proposed lodge would include a new fenced garden area, hardstanding providing parking for two cars and an area of raised decking. The result would be to introduce significant new domestic features onto the currently open and undeveloped site, extending the built form of Watertown south into the countryside. Whilst the hedgebanks along the front of the site may, over time, provide some screening of the lodge from close-range viewpoints on Long Lane, it would nonetheless be visible from the highway.

7. The appeal site is relatively flat but the land slopes gently uphill to the south and east of the site. Approaching from the lanes on the elevated land, the open appeal site currently forms part of long-ranging views of Northam Burrows Country Park. The introduction of a permanent lodge building in this location would be a prominent addition and would detract significantly from the undeveloped nature of the site. As a result, I consider that the proposal would fail to protect the natural beauty and rural character of its setting.

8. The appellants have brought to my attention a 2015 planning permission for a detached annexe to a residential property nearby, known as Pheasant Meadow on Diddywell Road. That permission includes a condition requiring that the annexe be used solely as ancillary accommodation to the residential use of the main dwelling and that it shall only be occupied by a dependant relative of the occupiers of the main house. As such, the annexe forms part of the single planning unit of Pheasant Meadow and does not constitute a separate new dwelling. In this sense, the 2015 permission differs substantially from the proposal before me, which seeks the creation of a new residential unit with its own access, parking and garden.

9. Furthermore, the annexe at Pheasant Meadow is sited close to the main dwelling, and at a considerable set back from the road, meaning that it does not appear as a prominent structure in its setting. I therefore do not consider that its visual impact is analogous to that of the appeal development. For these reasons, I attach only limited weight to this 2015 permission in my consideration of this appeal.

10. I have also been referred to a 2016 planning permission for the change of use from agricultural to storage and distribution of two barns located south of the appeal site on Long Lane. I note that conditions on that permission limit the use of the premises to the storage of commercial tools and equipment and prevent outside storage of any commercial items on the site with a view to safeguarding the character and appearance of the surrounding countryside.

11. On my visit I saw that the barns are physically disconnected from the appeal site and that they retain an agricultural appearance. I am also mindful that the reuse of existing agricultural buildings without external alterations for an employment generating use represents a materially different proposition to the proposal before me. I do not consider that the 2016 permission has significantly reduced the open and undeveloped nature of the appeal site and as such, I afford it limited weight in my decision.

12. Taking all of these matters into account, I conclude that the site would not be suitable for the proposed development, having regard to the character and appearance of the area. In light of this finding, I do not consider that a condition tying residency of the proposed dwelling to the CL site business would overcome my concerns.

13. I therefore find conflict with Policies DVT2C, DVT6, DVT7 and ENV6 of the Torridge District Local Plan 2004, which together provide that in the countryside away from the villages, development should not detract from the character and appearance of the area. It would also be contrary to the aims of paragraphs 17 and 55 of the National Planning Policy Framework (the Framework), insofar as they seek to safeguard the intrinsic character and beauty of the countryside.

The Effect on the Character of the Coastal Preservation Area

14. The appeal site is located within the Coastal Preservation Area (CPA), which is a locally designated area of landscape protection. The lodge would not directly support public access to and enjoyment of the coast, since it would be for the sole private use of the occupiers. It may be argued that, insofar as the lodge would support the existence of the CL site, it could indirectly facilitate access to the coast by users of the CL site, although the evidence would indicate that the CL site has operated successfully since 2015 without a supervisor living on site. Nor do such sites necessarily require an on-site presence being, by their nature, very small sites.

15. I note that the appellants currently reside in a caravan within the grounds of Watertown Garage, a short distance from the appeal site and also within the Coastal Preservation Area. I do not consider that the existence of a Lawful Development Certificate (LDC) for the residential occupancy of the caravan justifies the appeal proposal which is on a different site and must be considered on its own merits.

16. The appellants have offered to relinquish the LDC for occupation of the caravan should the appeal development be granted permission which they submit would result in no net additional dwellings in the CPA. However, no mechanism to enable this to take place has been provided to me and so I am unable to consider this proposition further.

17. There appears to be some uncertainty about the security of the appellants' continued tenure at Watertown Garage. I have had regard to the appellants' submissions that allowing the operators of the CL site to reside on site may help to support its future viability as a tourism business. On-site residence would also remove the need for the appellants to make repeated short journeys between the site and their current home in order to undertake maintenance and customer support, reducing the traffic generation associated with the operation of the CL site.

18. However, whilst these factors may constitute benefits of the proposed lodge, I do not consider that they demonstrate a particular and proven need for a residential dwelling to be located on the site. I note that the lodge would be based upon a mobile chassis and could therefore theoretically be removed in the event that the CL site ceased to operate. However, this does not justify the development before me, which would have the appearance of a permanent dwelling and would allow year-round residential occupancy of the land.

19. I therefore conclude that the proposal would have a detrimental effect on the character of the CPA. Consequently, the proposal would be contrary to Policy ENV6 of the Torridge District Local Plan 2004 which states that within the CPA, development will be permitted only where there is a particular and proven need for that development to be located within the CPA, and where the need outweighs any harm to the unspoilt nature of the area. I also find conflict with paragraph 114 of the Framework insofar as it requires the character of the undeveloped coast to be maintained by protecting and enhancing its distinctive landscapes.

Other Matters

Benefits of the Proposal

20. The lodge would provide one dwelling, bringing modest social benefits and as a live/work unit could also generate minor economic gains. The appellants contend that lodge accommodation on the site would allow further investment in the business, with associated economic benefits to businesses in the local area. These are matters that weigh in favour of the proposal. However, these benefits are not sufficient, alone or together, to outweigh the significant harm that I have identified in respect of the main issues in this case.

21. That the appeal site was previously redundant and has been brought back into use by the establishment of the CL site operation is a benefit associated with that use, rather than the proposal before me.

The Council's Handling of the Application

22. I note the appellants' concerns regarding the Council's handling of their planning application but my consideration of the appeal proposal is restricted to the substance of the issues in contention.

Conclusions

23. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR