
Appeal Decision

Site visit made on 31 January 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 8 March 2017

Appeal Ref: APP/U1105/W/16/3155475

**Woodmead, Road from Drifts Lane Cross to Slade Farm, Sheldon, Devon
EX14 4QU**

- 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 & Mrs Jamie Mandeville against the decision of East Devon District Council.
 - The application Ref 15/2399/FUL, dated 14 October 2015, was refused by notice dated 13 May 2016.
 - The development proposed is described as *"use of land for the siting of 1 timber lodge and three shepherd huts for holiday/tourism accommodation (Revised Application following refusal of application 15/0901/FUL)."*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Officer Report refers to Policies E16 and E19 of the East Devon Local Plan (LP). However, they are not cited in the reasons for refusal on the Council's decision notice and they are not before me. As such, I give them little weight.

Main Issues

3. The main issue in this case is whether the site is a suitable location for the proposed development, having regard to local and national policy in respect of tourist accommodation, sustainable development in the countryside and the location of the site within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is located adjacent to the hamlet of Sheldon and comprises part of a paddock and an area used in connection with an existing equine stables. It is accessed from an existing track and the surrounding network of mainly country lanes. The site forms part of a wider plateau landscape of enclosed pasture. The picturesque location contributes positively to the landscape and scenic beauty of the AONB and there are hedges and trees on the boundaries of the paddock. There is close boarded fencing with some landscaping on the boundary between the existing dwellings and the proposed timber lodge.
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5. The proposal would involve the use of the land for the siting of a timber lodge and 3 shepherd huts to provide holiday accommodation. The timber lodge would be in close proximity to a boundary with existing residential properties and the shepherd huts would be in the adjacent paddock. There is no dispute between the parties that the site is within the countryside for planning policy purposes.
6. LP Strategy 7 states that development in the countryside will only be permitted where it is in accordance with a specific LP policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is located. LP Strategy 33 states that tourism growth should be sustainable and should not damage the natural assets of the District. LP Strategy 46 seeks development that is undertaken in a manner that is sympathetic to the AONB.
7. LP Policy E5 relates to small scale economic development and where the development is on a greenfield site it should be well related in sustainability terms to the village and surrounding areas. LP Policy TC2 states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.
8. These policies are reflective of the National Planning Policy Framework (the Framework) objectives to guide development to sustainable locations, as clearly and particularly articulated in the sixth and eleventh bullet points of the core planning principles set out in paragraph 17. Paragraph 28 of the Framework explains that local development plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
9. Sheldon is a very small settlement which has a church but lacks a shop, public house or bus service. I have little detailed evidence before me in relation to the nearest services and facilities. However, I noted at my site visit that Sheldon is a considerable distance from Honiton which appears to be the nearest town. Furthermore, the surrounding road network in the immediate vicinity of Sheldon consists mainly of narrow unlit country lanes.
10. As such the character of these lanes would not promote pedestrian or cyclist usage, particularly when dark. It follows that visits to shops for provisions, to restaurants/public houses for meals and to the local attractions would inevitably be by car. The occupiers may only be residing in the lodge/huts on a temporary basis but they would still need to access services and facilities.
11. Of course, some visitors may choose to arrive at their lodge/hut loaded with provisions and thereby reduce the need for subsequent car-borne travel (and also the potential spending in local businesses). And, I acknowledge that the possible provision of transport to the nearest railway station and the provision of bikes including electric ones for the visitors to use could also reduce reliance on the private car. However, taking into account the character of the lanes noted above the cycle provision might offer an occasional recreational alternative, but it would not cater for the wide variety of journeys inherent in 'holiday travel'.
12. Consequently, the remote location of the development and the character of the available roads would mean that most prospective holiday-makers would rely

primarily on their cars for a significant proportion of their holiday travel. For these reasons, for the majority of the time and for convenience reasons, occupiers would tend to be highly dependent on travel by the private car to access services and facilities. As such, the proposal would not be in a sustainable location.

13. The inclusion of the site within the AONB gives it the highest status in terms of its landscape and scenic beauty and great weight must be given to the conservation of such landscapes. The timber lodge and 2 of the shepherd huts would be in close proximity to the existing stables. I acknowledge that the design of the structures would not be unattractive, they would be of stained timber and the huts would not require hard surfacing under them.
14. However, the introduction of additional built form onto the site would have an inherent and urbanising impact on the appeal site. Furthermore, the impact is not solely from the proposed lodge/huts but also the domestic paraphernalia such as seats and tables and parked cars. At night there would be lights on inside the lodge/huts. I acknowledge that a planning condition could control the use of external lighting if I was minded to allow the appeal.
15. There is mature landscaping around some of the boundaries of the site and taking into account the distance from the public highway the structures would not be visible from the road. However, views of the lodge and one of the huts may be possible from the nearest dwellings and their gardens. Given that the structures would not be prominent in the landscape and taking into account all of the above I consider that the proposal would result in limited, localised harm to the landscape and scenic beauty of the AONB. However, this is a sensitive area in which great care must be taken to assimilate new development into the existing landscape and I must give such harm significant weight in terms of the environmental impact it represents.
16. Concern has also been raised in relation to the impact of the additional car journeys on the tranquil character of this part of the AONB. I noted at my site visit that even though the site is in a remote location there was appreciable noise emanating from an adjacent site, near the entrance to the access drive. I acknowledge that this noise may be absent at other times and that the area may be tranquil for the majority of the time. However, taking into account the amount of trips to and from the site I do not consider that the noise and disturbance from those trips would be significant. As such the noise and disturbance would not result in harm to the overall character of this part of the AONB.
17. The appellant has drawn my attention to developments that have been approved in the AONB. However, I have not been provided with the full details of these cases and as such I cannot be certain that the circumstances are directly comparable to the case before me. As such I give them little weight and in any case, I am required to determine this appeal on its own merits.
18. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development; economic; social and environmental. Economically, the construction and fitting out of the proposed structures would for a short period of time generate some employment. Post completion, the appellant states the proposal would ensure the viability of the appellant's business by providing a working site for potential customers to visit and increase the business's flexibility. The proposal would also be of some benefit to the local

economy but because of its remote location with respect to businesses in the area generally, it would only meet the economic and social roles of sustainable development to a limited extent.

19. I have found that the proposal would not be in a sustainable location and that it would result in limited, localised harm to the landscape and scenic beauty of the AONB. As such it would not accord with the environmental role. Given that the three roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development.

Conclusion

20. Taking into account all of the above the proposal would not be a sustainable form of tourism development and it would result in limited, localised harm to the landscape and scenic beauty of the AONB. It follows that the proposal would not comply with LP Strategies 7, 33 and 46 and LP Policies E5 and TC2. As such the site would not be a suitable location for the proposed development.
21. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
22. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR