
Appeal Decision

Site visit made on 26 June 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 28 July 2017

Appeal Ref: APP/P1133/W/17/3170738

Dornerfield Caravan Park, Dornafield Farm, Two Mile Oak, Newton Abbot, Devon TQ12 6DD

- 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 Dornafield Camping Partnership against the decision of Teignbridge District Council.
 - The application Ref 16/00103/FUL, dated 16 December 2015, was refused by notice dated 23 August 2016.
 - The development proposed is construction of 9 holiday cottages.
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Decision

1. The appeal is allowed and planning permission is granted for 9 holiday cottages at Dornerfield Caravan Park, Dornafield Farm, Two Mile Oak, Newton Abbot, Devon TQ12 6DD in accordance with the terms of the application, Ref 16/00103/FUL, dated 16 December 2015, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effect of the proposed development on setting of designated heritage assets and on the character and appearance of the surrounding area.

Reasons

3. The appeal site forms part of Dornafield Camping and Caravan Park, a holiday facility located in and around the setting of Grade II Listed Dornafield Farmhouse and its adjacent Grade II listed barn. Dornafield Farmhouse dates from the late 15th Century and is considered an important house within the area. Together with the neighbouring barn, it occupies a tranquil and rural setting which includes the surrounding farm buildings, the walled garden and the surrounding fields including the appeal site known as the Orchard.
4. The significance of these heritage assets is derived from their good quality internal features and attractive facades as well as their isolated position which forms an intrinsic part of the buildings' history. They are visible from a number of public vantage points, from where they positively contribute to the rural character their surroundings. Being nestled within a valley, they occupy an attractive location providing elevated views from the south across the Orchard towards the walled garden which adds to, and enhances, their overall significance.

5. Policy S1A of the Teignbridge Local Plan 2013-2033¹ (LP) sets out the Council's approach to determining planning applications which, in accordance with the National Planning Policy Framework ("the Framework") applies a presumption in favour of sustainable development. LP Policy S1 sets out a number of criteria against which proposals will be assessed including the maintenance and enhancement of the character, appearance, and historic interest of, amongst other things, landscapes, buildings and open spaces. Furthermore, LP Policy S2 requires new development to integrate with and, where possible, enhance the character of the built and natural environment, particularly where it affects heritage assets.
6. More specifically, LP Policy EN5 seeks to protect and enhance the area's heritage by taking into account the significance, character, setting and local distinctiveness of designated heritage assets. It requires development to respect and draw inspiration from local historic environment responding positively to the character and distinctiveness of the area. Furthermore, the Framework indicates that great weight should be given to conserving heritage assets including their setting and that any harm or loss should require clear and convincing justification.
7. The proposal would involve the erection of a single 'u' shaped structure consisting of 9 units of holiday accommodation in the Orchard, an open field which currently hosts a number of camping pitches along with a number of electric hook ups. Its sensitive design and use of traditional materials helps ensure that it would integrate well with its surroundings and would not appear out of keeping with the rural surroundings.
8. However, in view of its location in close proximity to the Grade II listed heritage assets, it would clearly have some impact on their setting. However, the Council accepts this impact would be less than substantial and has referred to Paragraph 134 of the Framework which advises that such harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
9. The present proposal is a resubmission of a previous scheme which was permitted by the Council in 2010² ("the 2010 Scheme") and, although no longer extant, was 'cautiously welcomed' by English Heritage (now Historic England). However, the Council contend that the development would now be contrary to new development plan policy and the more recent tests set out in the Framework.
10. The parties have drawn my attention to Planning Permission Ref 89/00253/FUL ("the 1989 Permission") which permitted a range of works including the erection of 7 detached log cabins on the site of the current proposal. This permission and the effect of the log cabins on the setting of the Grade II listed buildings formed part of the reasons behind allowing the 2010 consent in that their impact on these heritage assets would be greater than the building proposed in the 2010 Scheme. Although the log cabins have not been erected to date, the parties agree that enough of the 1989 Permission was implemented to safeguard this aspect of that permission.

¹ Adopted May 2014.

² Ref 10/02773/FUL.

11. While I acknowledge that the subsequent changes to the Development Plan and the introduction of the Framework have altered the policy basis upon which applications are determined, the Council's case does not provide any meaningful justification as to why there has been such a significant change to the Council's earlier decision that a very similar proposal was acceptable, in terms of its effect on the listed heritage assets. It remains the case that the cumulative impact on the heritage assets of the 1989 Permission, were it to be fully implemented, would be considerably greater than the well-designed solid building of traditional appearance currently proposed. Furthermore, I am satisfied that if the appeal proposal were not erected, there is every likelihood that the 1989 permission would be implemented which would result in a greater degree of harm to these heritage assets than that which would result from the current proposal.
12. The Council has alerted me to the fact that there is limited evidence that other, alternative sites within the wider holding are not available to accommodate the facility sought. However, even were such alternative sites to be identified, the 1989 permission would remain and the cumulative harm would be greater.
13. Consequently, I regard the harm resulting from the 1989 Permission to be substantial and find the appeal scheme to be preferable to that alternative. In this sense, I consider the proposed scheme would result in a positive public benefit which is capable of outweighing the harm which would result from the proposal. As such, I consider the overall impact of the scheme would be to protect and enhance the area's heritage and do not consider the character of the surroundings would be harmed. Accordingly, I find no conflict with LP Policies S1, S1A, S2 or EN5 or the guidance set out in the Framework.

Planning Conditions

14. I have had regard to the various planning conditions suggested by the Council. A condition requiring further details regarding surface water drainage is necessary in order to ensure the site is adequately drained. In addition to the standard commencement condition, I consider a condition requiring the development to be carried out in accordance with the approved plans as necessary in order to provide certainty (although I note the Council has included some further documents which I do not consider necessary and have amended the proposed condition accordingly).
15. Conditions requiring samples of external materials, (including but not limited to rooflights, stone work, details of roof coverings and fixtures, joinery details of windows and doors, eaves, timber cladding, and rail water goods) are appropriate in order to protect the character and appearance of the surroundings and the nearby heritage assets as is a condition in respect of landscaping.
16. A condition in relation to access and parking is necessary in order to ensure that adequate facilities are provided to serve the development and in the interests of safety.
17. In view of the nearby archaeological features, I note the Council's proposed condition requiring a full scheme of investigation and the securing of a programme of archaeological works. However, the Council has not provided any particular reason as to why such a full scheme is necessary. In this

instance, I consider a condition requiring the reporting of any previously unidentified features is sufficient to guard against any harm.

18. A condition restricting the occupation of the proposed units to part of the year is appropriate to ensure that they are not used for permanent residential occupation, albeit that I have increased the time limit to 6 months. Further details of external lighting and measures to incorporate bat roost features are necessary in order to safeguard local bat populations and in the interests of biodiversity.
19. A condition requiring details of any works commencing within 1m of listed buildings is necessary in order to protect the historic fabric and stability of nearby heritage assets.
20. A number of these conditions need to be discharged before work commences on site as these relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

21. For the reasons set out above, and having taken account of all other matters raised, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDLUE

CONDITIONS:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Nos: DF-02F; DF-03F; DF-04-1; DF-01D; and DF-04F
- 3) Prior to the commencement of the development hereby approved a full and detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 5 working days of their being revealed. Works shall be immediately halted in the area affected until provision shall have been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 5) Prior to their use details and/or samples of all external materials (including but not limited to details of roof coverings and fixtures, roof lights, joinery details of windows and doors, eaves, timber cladding, and rail water goods) shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.
- 6) Prior to the commencement of development full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments (to include samples); vehicle and pedestrian/cyclist circulation; structures (furniture, play equipment, refuse and other storage units; signs and lighting). All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.
- 7) The holiday units shall be occupied for holiday purposes only, for no more than six months in any calendar year by any individual

occupant, group of individuals or family and shall not be occupied as a main place of residence. The owner shall maintain an up to date register of the detail of all occupiers, including their names and main home addresses, of the holiday unit(s) on the site and shall make it available for inspection at all reasonable times by the local planning authority.

- 8) Prior to the units first being brought into use the approved access and parking arrangements shall have been provided on site in accordance with the approved plans.
- 9) Prior to any works commencing within a 1 metre distance from the curtilage of any listed stone walls, full details of any works above or below ground (to include sections where necessary) shall be submitted to the Local Planning Authority for written approval. Works shall proceed in accordance with the approved details
- 10) Prior to the installation of any external lighting on the outside of the building 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. There shall be no external lighting on the northern elevation of the building.
- 11) Prior to works reaching Damp Proof Course Level, full details of a scheme for incorporating a range of bat roost features within the new building shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

END OF SCHEDULE