
Appeal Decision

Site visit made on 16 August 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/U1105/W/17/3173788

**Kings Down Tail Caravan and Camping Park, road past Kingsdown,
Salcombe Regis EX10 0PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for [outline] planning permission.
 - The appeal is made by Mr David Paget against East Devon District Council.
 - The application Ref 16/2471/FUL, is dated 14 October 2016.
 - The development proposed is the conversion of ancillary building to permanent site-warden's two-bed residential accommodation; continued use of south east field for storage of touring caravans; and erection of open-sided shelter in south east field.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of ancillary building to permanent site-warden's two-bed residential accommodation; continued use of south east field for storage of touring caravans; and erection of open-sided shelter in south east field at Kings Down Tail Caravan and Camping Park, road past Kingsdown, Salcombe Regis EX10 0PD in accordance with the terms of the application, Ref 16/2471/FUL, dated 14 October 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr David Paget against East Devon District Council. This application is the subject of a separate Decision.

Preliminary Matters and Main Issues

3. The Council has confirmed that had it reached a decision, the continued use of south east field for storage of touring caravans and the erection of open-sided shelter in that field would have been considered as acceptable. I can see no reason to question that assessment.
4. The main issue is therefore whether there are circumstances that would justify the conversion of the ancillary building to permanent site-warden's two-bed residential accommodation in this rural location.

Reasons

5. The appeal site is a well-established caravan and camping park which is on level ground surrounded in the most part by mature boundary hedges. The

- park covers an extensive area, including manicured grass areas and hard-standing pitches in a pleasant rural setting. The park was busy with residents at the time of my visit.
6. The ancillary building proposed for conversion is close to the main entrance into the site. It is a simple single storey structure with rendered walls and a corrugated sheet roof. The rear wall of the building is directly alongside the grass verge between the site and the main road (A3052) and so it is very visible to passers-by. The existing building appears to have been used for ancillary purposes to the wider park in the past although is referred to as being redundant now. There may have been residential use of the building previously but I have no evidence before me that establishes that. I cannot ascribe any significant weight to that possibility.
 7. There is also no dispute that this is a location isolated from any settlements. For the purposes of paragraph 55 of the National Planning Policy Framework (the Framework) a home in this countryside position should be avoided unless there are special circumstances. A number of examples are given of what may constitute special circumstances within the Framework although that is not an exhaustive list. Policy D8 of the Local Plan¹ (LP) provides the Council's policies for the re-use of rural buildings. This is more detailed than paragraph 55 of the Framework but is generally consistent with it. The building conforms to the pre-requisites for converting buildings although to be acceptable for residential use the building must not be required for agricultural purposes, the conversion must enhance the setting and the development should be located close to a range of services and facilities.
 8. The building is not required for agricultural purposes. The works to the building would include its re-roofing by removal of the corrugated sheeting and replacing it with slate effect tiles. The building would otherwise retain a similar external appearance. The existing roof with a partial covering of moss looks tired and detracts from the appearance of the structure although the building looks otherwise generally well maintained. The re-roofing and cladding would make a small but positive improvement to its appearance and therefore the setting of the building. Finding an alternative use for the redundant building would also help to ensure that it remains in good order in the longer term. The benefit of the proposals would be very noticeable from the main road as well as by people staying at the park. In other respects, the residential use of the building including any obvious external domestic items and vehicles would be within the park and would make little difference to the character of the site which already has a well-kempt domestic appearance.
 9. The appeal site is not close to facilities or services within any settlement but the park includes a substantial shop. I saw the shop at my site visit and at that time it contained a range of provisions. This would be useful for a warden living on the site. There is a bus stop next to the entrance to the site, which the Council confirms provides an hourly service. A site warden living here would not rely entirely upon the use of private vehicles to reach all day to day services. They would also be employed in the overall operation of the park and so would be on site a lot of the time and would not need to drive from a home elsewhere. A vehicle would be required to reach some services such as medical and leisure facilities. However such services are often missing from

¹ East Devon Local Plan 2013 to 2031, Adopted 28 January 2016

settlements in rural areas with residents relying upon higher order villages and towns. In the context of paragraph 34 of the Framework, the use of the building as a site-warden's dwelling would not generate significant traffic movements. In my view by rural standards the site has reasonable access to basic day to day facilities which will not substantively add to the need to travel by car.

10. The appellant has explained that there is a substantial need for additional on-site management of the large holiday park. The site is not close to other housing where an employee could live whilst being close enough to help to react to requirements of the business including the welfare of occupants of site. The site is clearly well established and has been invested in over recent years. The evidence provided is not sufficient to clearly show that there is a need on the land for a full time worker to the extent required by LP Policy H4 but the proposal would clearly help support the running of an existing business and I can give that a little further weight.
11. The occupation can be restricted by a planning condition for occupation by a warden and given the benefits for the operators of the park, the use is acceptable. In relation to the main issue, there are circumstances that justify the conversion of the ancillary building to permanent site-warden's residential accommodation in this rural location. I consider that the proposal complies with the requirements of LP Policy D8. Special circumstances exist to justify the proposal as required by paragraph 55 of the Framework.

Other Matters

12. The proposal overall, including the use of the south east field and construction of the shelter and the conversion of the building would not harm, and would therefore preserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

Conditions

13. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed. I have attached a condition requiring the submission of further details of materials which have not been specified on the plans. A further condition to protect trees and hedges during construction of the filed shelter is also imposed.
14. The protected species survey states that it is unlikely that bats are roosting within the building but recommends some caution when removing roof materials. I have imposed a condition addressing this.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of 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: '1P'; '4P'; 'L1'; and 'L2'.
- 3) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in Kingsdown Tail Caravan and Camping Park, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 4) Development shall proceed in accordance with the recommendations within section 4 of the Protected Species Survey by Richard Green Ecology dated October 2016.
- 5) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted and also the building subject to the change of use, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall commence towards the construction of the open sided shelter until details of measures to protect the trees and hedgerow on the roadside boundary next to the proposed position of the building have been submitted to for agreement in writing by the local planning authority. The tree and hedge protection measures as agreed shall be implemented prior to the commencement of the construction of that building and retained until the building has been completed.