
Appeal Decision

Site visit made on 29 April 2019

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2019

Appeal Ref: APP/K1128/W/18/3217159

**Lower Leigh Farm, Road from Leigh Cross to Millers Path Cross,
Kingsbridge, Devon, TQ7 4AG**

- 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 Tickner against the decision of South Hams District Council.
 - The application Ref 0490/18/FUL, dated 9 February 2018, was refused by notice dated 4 October 2018.
 - The development proposed is the change of use of the existing garage and store to provide ancillary/holiday accommodation including a rear store extension.
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Decision

1. I dismiss the appeal.

Preliminary matters

2. At the time the Council considered this proposal the adopted development plan included the South Hams Development Policies Development Plan Document and the South Hams Core Strategy, with policies from both of these documents being referred to in the reason for refusal. However, since that time the Council has adopted the Joint Local Plan (JLP) for Plymouth and South West Devon, which has replaced the aforementioned documents. I have therefore assessed the appeal proposal against the relevant JLP policies highlighted by the Council.

Main issue

3. The main issue is whether the appeal site represents an appropriate location for new ancillary/holiday accommodation having particular regard to accessibility, sustainability and policies seeking to guide the location of development.

Reasons

4. Lower Leigh Farm is a residential property situated along with a handful of other properties in a small rural hamlet, located over 2km away from the nearest settlements of Churchstow, Kingsbridge and Loddiswell. It is served by a narrow rural lane which has no footways or street-lighting, and which falls appreciably from east to west past the appeal site.
5. The appeal proposal seeks to add a small rear extension to an existing garage and workshop, located within the curtilage of Lower Leigh Farm, and then change the use of this extended building to provide a self-contained residential unit, to be used for ancillary or holiday accommodation. The appellant's appeal statement indicates that summer lettings of this unit would be considered.

6. No specific tourism policies in the JLP have been drawn to my attention, but it is clear that sustainable development lies at the heart of the spatial strategy of this newly adopted plan, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 provides more guidance on achieving sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities; should have a safe and accessible local environment; and should have an appropriate level of services and facilities to meet local needs.
7. These matters are further built upon by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that the delivery of sustainable rural tourism will be supported if it would benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements.
8. Tourism development is referred to in Policy DEV15, which sets out measures through which the rural economy will be supported. In particular it explains that chalet or similar facilities that respond to an identified local need will be supported, provided they are compatible with the rural road network and have no adverse environmental impact. This policy also indicates that development proposals should demonstrate a safe access to the existing highway network, and avoid a significant increase in the number of trips requiring the private car.
9. Lower Leigh Farm plainly does not accord with the locational and accessibility requirements detailed above, and because of this I share the Council's view that the appeal site has to be regarded as lying in an unsustainable location, only really accessible by private car. This appears to be broadly accepted in the appellant's appeal statement, although the appellant does also maintain that the Valley View Café and Aune Valley Farm Shop both lie within a reasonable walking distance of the appeal site. However, whilst this may well be the case, the narrow nature of the public highway route to these facilities and the absence of any dedicated footway or street-lighting leads me to the view that this would not be a particularly attractive or safe route for pedestrians.
10. I have noted the appellant's comment that Higher Leigh House and Leigh Barn within this small hamlet already offer bed and breakfast and holiday cottage facilities. However, it is clear that these were established prior to the adoption of the JLP, and there is no evidence before me to suggest that these local tourism facilities accord with the aforementioned development plan policies. Their presence does not, therefore, lend any material weight to the appeal proposal.
11. I have also noted the appellant's contention that visitors are attracted to the tranquillity of rural areas, and would not necessarily look to travel every day to the nearby towns or villages for services. But in the current case, the absence of any meaningful services or facilities in this small hamlet, coupled with the lack of convenient public rights of way in the locality, leads me to conclude that it would be highly likely that occupiers of the proposed holiday unit would have to travel by private car on a daily basis. Whilst I acknowledge that tourists staying in the nearby settlements such as Kingsbridge and Loddiswell would still have to travel

to visit coast or countryside, these settlements are able to offer a far greater level of services and facilities than the hamlet within which the appeal site lies, and are also able to offer a wider range of travel choices.

12. Furthermore, as noted by the Council, the appellant has not provided any firm evidence to indicate that there is an identified local need for further holiday accommodation at this location, as required by JLP Policy DEV15. In fact, the Council Officer's report makes it plain that the Council has received an increased number of applications seeking to remove holiday-let ties on properties, indicating a degree of saturation in the market for holiday properties.
13. The appeal site lies within the South Devon Area of Outstanding Natural Beauty (AONB), but none of the JLP policies highlighted by the Council make any direct reference to AONBs. However, the National Planning Policy Framework (the Framework) is also a relevant material consideration in the determination of this appeal, and amongst other things paragraph 172 of the Framework makes it plain that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. That said, I am satisfied that the modest extension proposed here, and the intended change of use, would have no material impact on the AONB. Similarly, the appeal proposal would have no harmful impact on the setting of nearby listed buildings at Leigh Barton.
14. But notwithstanding my favourable findings on these latter two points, for the reasons set out above my overall conclusion is that the appeal site does not represent an appropriate location for new ancillary/holiday accommodation. It lies in an unsustainable location and has poor accessibility, such that the proposed accommodation would be reliant on the private car. As such, the proposed development would be at odds with the aforementioned JLP policies. Moreover, the unsustainable nature of the appeal proposal means that it would also be at odds with paragraph 83 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.
15. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that the appeal should be dismissed.

David Wildsmith

INSPECTOR