
Appeal Decision

Site visit made on 13 May 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/X1118/W/19/3223133

**1 Bydown Cottages, Road from Bydown Cross to Kerscott, Swimbridge
EX32 0QD**

- 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 N Eveleigh against the decision of North Devon District Council.
 - The application Ref 65913, dated 27 November 2018, was refused by notice dated 29 January 2019.
 - The development proposed is described as 'retrospective application for demolition of shed building & erection of holiday unit, widening of a vehicle access and installation of a stone track'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed during the course of the application, prior to the Council's determination. I have used the amended description, as it better describes the development than the appellant's initial description.
3. The development has already been carried out.

Main Issues

4. The main issues are:
 - (a) whether the development provides a suitable location for a holiday unit, with regard to development plan policies, and
 - (b) the effect of the proposal on highway safety.

Reasons

Location

5. The holiday unit is located in a rural area, within the large garden of an existing dwelling. Although the nearby settlement of Swimbridge is identified as a Schedule B Village in Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 adopted 2018 (NDTLP), the holiday unit is located in a countryside location beyond the settlement, in an area where development is restricted.

6. Policy ST13 of the NDTLP and paragraph 83 of the National Planning Policy Framework (the Framework) offers in principle support to sustainable tourism. However, in the context of the Spatial Development Strategy set out in Policy ST07, the countryside location of the holiday unit would generally be considered unsustainable. Although it is not far from some services in Swimbridge, and from here access via public transport can be obtained to larger settlements such as Barnstaple, walking or cycling along this route would be unlikely to be an attractive option to most guests as it would involve navigating small lanes that are narrow, steep in places, unlit and without footways or grass verges. The appellants also refer to the site's proximity to the settlement of South Molton, and its range of local services. However, I have no evidence to suggest that this settlement would be easier to access than Barnstaple. As such, I consider it most likely that guests would be reliant on a car to meet their day to day needs.
7. Part (2) of Policy DM18 of the NDTLP states that new tourist accommodation in a rural area would be supported where it satisfies certain criteria. Only one of the first three criteria of the Policy need be satisfied to make the development acceptable, subject to the requirements of subsequent criteria (d) – (h).
8. The principle dwelling at the site is not used for tourism and neither was the former building that the holiday let replaced. Therefore, in terms of (2) (a), the holiday unit is not related to an existing tourism, visitor or leisure attraction.
9. Although I accept that the holiday unit has replaced a building of a similar size in the same location, the replacement building does not constitute the reuse or conversion of an existing building. One was demolished in its entirety before the other was built, which cannot be considered tantamount to a conversion. Alternative scenarios put forward by the appellants are not part of the proposal before me, and I must consider the proposal on its own merits. Therefore, in the context of (2) (b) of Policy DM18 of the NDTLP the proposal would also fail.
10. I note the evidence provided in relation to the need for high quality small holiday accommodation in the area, however part (2) (c) of the same Policy is again worded in a way that relates to existing tourist accommodation. It has already been established that such accommodation did not previously exist at the site, therefore this criterion is also not satisfied.
11. Notwithstanding the above, I am satisfied that the scale and character of the proposal is acceptable in the context of existing built form and landscape character, and that the local road network can accommodate a modest increase in vehicle movements that would arise from the occupation of the small holiday unit without harm to highway safety. However, these matters do not override the failure of the proposal to satisfy any of the principle criteria associated with part (2) of Policy DM18.
12. In support of the proposal the appellants have referred to a range of local services and businesses that would benefit from the holiday unit. I accept that there would be some economic benefit arising from tourists residing at the site and I note that tourism is a significant part of the local economy. However, the unit is small, which would limit the contribution it makes to the local economy, and in any case this matter alone does not carry sufficient weight to override the harm I have found in relation to the proposal's countryside location.

13. Therefore, I conclude that the proposal would not be suitably located for a holiday unit, and would be contrary to Policies ST07, ST13, DM06 and DM18 of the NDTLP, and the Framework, which together seek to ensure that development proposals are suitably located for sustainable tourism.

Highway safety

14. A level area has been formed to the west of the holiday unit for car parking. The space is fairly generous but does not easily allow for a vehicle to be manoeuvred and driven off the site in a forward gear. However, I am not convinced that this would be unsafe in this location as the adjacent lane appears to be a modest local access road that is unlikely to carry a significant volume of traffic. Furthermore, the access is reasonably close to a junction where traffic speed would be low.
15. Taking into account the very small size of the 1-bed holiday unit, the parking area would appear to be entirely adequate. Concern has also been raised about a section of hedge that has been removed to facilitate the parking area, however a photo produced by the appellants shows that gates and fences were in this location previously.
16. Additional traffic generated by the holiday unit would need to navigate the local road network to access the site. These roads are narrow and steep in places, however they currently serve a number of properties and do not appear to be so unsafe that the additional vehicle movements associated with a small holiday unit would have an adverse effect on the safe operation of this local road network.
17. Therefore, I am satisfied that the parking area does not harm highway safety, and accords with Policy DM05, which seeks to ensure that development proposals incorporate safe and well designed parking layouts.

Other Matters

18. Various comments have been submitted in support of the proposal. I agree that the wider area is well suited for tourism and have noted already that this is a significant part of the local economy. Photos produced by the appellants show that the previous building was of no design merit. I agree that the replacement building is of a high quality and offers some enhancement to the appearance of the site. However, these matters are of limited weight in the context of the proposal's clear conflict with policies relating to the location of new tourist accommodation.

Conclusion

19. Although I have found that the proposal would not harm highway safety, this is a neutral matter that is not sufficient to outweigh the conflict I have found with development plan policies in relation to the location of the holiday unit.
20. For the reasons above, the appeal is dismissed.

Andrew Tucker

INSPECTOR