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## Appeal Decisions

Site visit made on 16 July 2019

**by R E Jones BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> August 2019.**

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**Appeal Ref: APP/J9497/W/19/3227755**

**The Hide, Road from Sowton Cott Bridge to Bridford Mills, Bridford EX6 7GZ**

- 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 Steve Hornbuckle and Mrs Jana Buresova against the decision of Dartmoor National Park Authority.
  - The application Ref 0056/19, dated 18 December 2018, was refused by notice dated 29 March 2019.
  - The development proposed is for a change of use of land at The Hide for the siting of 1 shepherd hut to be used for self-catering holiday rentals.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would provide a suitable location for the type of holiday accommodation proposed.

### Reasons

3. The appeal site comprises the garden area relating to the residential dwelling known as The Hide, which is located in the open countryside. The site is also within the Dartmoor National Park ('the NP'). The proposal – a shepherd hut to be used for holiday accommodation - would contain one bedroom, a kitchen and a bathroom. It would have a traditional appearance comprising a curved roof, a flu and modest window openings. It would be set on ornate wheels and located in the garden area in close proximity to The Hide - a modest dwelling with a mono pitch roof with accommodation at ground floor and within its roof space. A long single-track lane leads from the main road to the site and is well screened from this public vantage point by mature trees and shrubs.
4. Policy COR1 of the Dartmoor National Park Authority Local Development Framework Core Strategy Development Plan Document 2006-2026, Adopted June 2008 (the CS) requires a number of considerations to be taken into account to ensure development within the NP is undertaken in a sustainable manner. These include the provision of essential services to the public and the accessibility by the public via public transport, cycle or foot to destinations in daily life.

5. The nearest Rural Settlement as defined by Policy COR2 of the CS is Christow, located over a mile from the appeal site, along narrow roads where I saw an absence of footways and street lighting. Also, I have not been presented with any evidence that future occupiers of the shepherd hut would be able to access a bus service nearby to travel to services and amenities in the area. The proximity of the site to the nearest settlement is distant and inaccessible if walking, and I consider that the appeal site's location would be unlikely to prevent future occupiers being reliant on a car to access a wider range of services and attractions within the NP.
6. More detailed policies that expand on the policies of the CS are contained in the Dartmoor National Park Authority Development Management and Delivery Development Plan Document, July 2013 (the DPD). Policy DMD44 of the DPD relates to the provision of tourism accommodation and lists an extensive range of instances when tourist accommodation will be permitted. These broadly centre on the expansion and improvement of existing tourist accommodation facilities, building conversion opportunities and where the tourist accommodation is in connection with a farm diversification exercise. There is no evidence before me that the proposed development would meet the type of accommodation permitted by Policy DMD44.
7. The appellants contend that the proposal complies with criterion (iii) of Policy DMD44. This permits holiday accommodation 'in larger houses in the countryside, including the conversion to ancillary serviced accommodation and self-catering units of buildings in close proximity to the main dwelling...'. However, I do not consider the appeal dwelling to be a large house and the proposal is a mobile structure, not a conversion opportunity as laid out by the terms of the policy. Furthermore, the appellant considers that the permissive wording of the policy does not preclude the provision of tourist accommodation in other circumstances, such as the Shepherd Hut proposed. The policy lists a range of holiday accommodation types that would be permitted, and whilst exclusions to this policy are not referred to, I consider that the accommodation proposed couldn't reasonably be interpreted as development that would be allowed by the policy.
8. Policy COR2 of the CS, and DMD1b of the DPD relate to general spatial development in the NP, acceptable development proposals outside of Rural Settlements, whether tourism development delivers on NP purposes, and the protection of its special qualities. They require one of the criteria listed to be met for the development to be acceptable in principle.
9. Having regard to these policies the proposal would result in economic benefits to the appellants and the NP. Whilst I have not been presented with details of the proposal's projected income, whether the proposal would be a full or part-time enterprise, or any details of the economic benefits it would have on the NP, I do not doubt it would be of economic advantage, to some extent, to the appellants and the area. However, I do not consider that the economic benefits outweigh the conflicts with the CS and the DPS I have already referred to.
10. Reference has also been made to the holiday accommodation increasing the understanding of the purposes of the NP through the facilitation of visitors staying within the NP and experiencing its attributes. I have no reason to disagree with the appellants' case here. Furthermore, the proposed Shepherd

Hut's discreet siting, modest scale and traditional appearance would ensure that there would be no detrimental harm to scenic qualities of the NP.

11. Therefore, I find no conflict with Policy COR2 of the CS or Policy DMD1b of the DPD. However, the proposed development would not be in a suitable location for tourist accommodation as it has not been demonstrated that the proposal would meet one of the forms of tourist accommodation or developments outlined in Policies DMD9, DMD35 and DMD44 of the DPD and Policy COR18 of the CS to which it would be contrary. These, in part, require tourism accommodation development to relate to an existing enterprise, small scale extensions to hotels and guest houses, accommodation as part of a farm diversification exercise, conversions of existing buildings in close proximity to large houses in the countryside and the replacement of substandard accommodation at existing holiday accommodation premises. The proposal would also be in an isolated location and inaccessible from local services and amenities contrary to Policy COR1 of the CS, that amongst other considerations, requires development to be undertaken in a sustainable manner taking into account the provision of essential services to the public and the accessibility by the public via public transport, cycle or foot to destinations in daily life.
12. It follows therefore that the proposal would also be in conflict with the 'English National Park and the Broads UK Government Vision and Circular 2010, and the National Planning Policy Framework (the Framework), in that both encourage development that enable sustainable rural tourism.
13. The Authority's refusal reasons have referred to Policies DMD23 of the DPD and COR15 of the CS that relate to exceptions whereby new housing outside of rural settlements is permitted. The proposal is a form of residential dwelling therefore these policies are relevant. The proposed development, a unit of holiday accommodation, does not meet the exceptions listed in the policies, however, in any event the appellants propose to control the shepherd hut from residential accommodation by recommending a planning condition restricting its use to holiday accommodation. On this basis, I consider Policies DMD9, DMD35 and DMD44 of the DPD to be more relevant to the appeal proposal and I have concluded against these above.
14. Accordingly, when taken as a whole, the proposal would conflict with the development plan.

### **Other Matters**

15. I have attached limited weight to The Hide's previous use as holiday accommodation, as it is clear from the evidence that its occupation has reverted back to that of a residential dwelling and is not currently operating as a holiday accommodation enterprise.
16. The appeal site lies within the Dartmoor NP, within which there is a duty to have regard to the statutory purposes of the designation, and within which paragraph 172 of the Framework indicates that great weight should be given to the conservation and enhancement of landscape and scenic beauty. Similarly, Policy COR19 of the CS requires tourism development to respect the distinctive landscape and natural beauty of the NP. The Authority has not raised any concerns over the effect of the appeal proposal on the character of the area and the special qualities of the NP, and I have no compelling evidence that

leads me to a different finding. Therefore, it is considered that the proposal conserves the natural beauty of the NP and accords with local and national policy in this regard. However, this lack of harm would be a neutral effect and would not outweigh the harm as a result of the proposal's inappropriate location and conflict with the policies I have referred to. These other matters do not, therefore, lead me to a different decision.

## **Conclusion**

17. I found that the proposal would not have a detrimental impact on landscape and scenic qualities of the NP, would be of economic benefit to the appellants and the NP, as well as contributing to the understanding of the purposes of the NP. However, this is outweighed by the proposal's unsuitable location for the type of holiday accommodation proposed. For the reasons given above I conclude that the appeal should be dismissed.

*R. E. Jones*

INSPECTOR