



Appeal Decision

Site visit made on 20 May 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/Q1153/W/20/3244495

Land part of Higher South Whiddon Farm, Beaworthy (Land at SX 471 100)

- 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 Matthew Hill against the decision of West Devon Borough Council.
 - The application Ref 3066/19/FUL, dated 16 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is the siting of a shepherd hut for holiday use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal in the heading is taken from the application form. The appellant has confirmed in the final comments that the proposal is for the change of use of the land to site a shepherd's hut and I will assess the development on this basis.

Main Issue

3. The main issue is whether the development in this location would be supported by the development plan and, in particular, with regard to access to services and facilities.

Reasons

4. Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019) (the JLP) sets out the guiding principles to deliver sustainable development across the plan area, incorporating growth and change that incorporates a sustainable economy, a sustainable society and a sustainable environment.
5. Policy SPT2 of the JLP provides more guidance applying the principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth take place in the plan area. The policy explains that development should support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other criteria, includes that they are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

6. The JLP approach to sustainable development is explained in further detail in Policy TTV1 for the Thriving Towns and Villages parts of the plan area. This aims to prioritise growth through a hierarchy of sustainable settlements and in the smaller villages, hamlets and the countryside development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 of the JLP indicates that the specific objectives of rural sustainability include the delivery of sustainable rural tourism that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.
7. Policy DEV15 sets out the policy approach to supporting the rural economy and explains that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network and has no adverse environmental impact. The policy also requires that development proposals should avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate.
8. The site for the shepherd's hut would be located within an area of woodland set in largely undeveloped countryside. The adjoining road is a reasonably narrow country lane with no street lighting or footways and leads to other similar roads in the surrounding rural area. There are market towns and villages in the wider area and, in particular, I noted the relationship of the site to Halwill Junction, Northlew and Hatherleigh at my site visit. However, I am not satisfied that the services and facilities in these settlements would be within walking or cycling distance of the site such that they would be likely to be accessed for most people in this way on a regular basis. I am not aware of any convenient public transport options that would serve occupants of the site. It follows that for virtually every occupier of the site, in all likelihood, they would have a dependence on the private vehicle to access services and facilities. As a consequence, although the vehicle movements may only be associated with a single unit of accommodation, the site could not be described in terms of accessibility to be a sustainable location.
9. While holiday makers may have a different pattern of movements compared to local residents in terms of visiting, for instance, attractions and the coast rather than health care, they would still be likely to visit shops, some services and eating establishments and therefore occupants would still need access to a range of local services and facilities. The provision of the tourist accommodation on this site would therefore not meet with the spatial strategy of the JLP.
10. The National Planning Policy Framework (the Framework) sets out that the planning system should actively manage patterns of growth in support of promoting sustainable transport objectives including opportunities to promote walking, cycling and public transport use. While it is acknowledged that such opportunities to maximise sustainable transport solutions will vary between urban and rural areas, in this case the open countryside location away from local services and facilities would not accord with the Framework policies in this respect when taken as a whole.
11. The evidence indicates that the revenue from the shepherd's hut would help support farm income, and would therefore be a farm diversification proposal whilst not prejudicing the farming operations. There would be a connection

- between helping to sustain the herd of Ruby Red cattle kept on the farm and the tourist marketing of the area as "Ruby Country". The proposal would also attract tourists to the area in general and therefore have a wider social and economic benefit. The intention is to manage the woodland site to improve the wildlife potential and this would complement the production and sale of honey. This would be a benefit although this wildlife management would appear not to be wholly dependent on the scheme going ahead.
12. Taken together the benefits from a single unit of accommodation would be limited. The provision of a shepherd's hut on a fairly isolated and undeveloped site in the countryside where occupants would have a dependence on the private vehicle would not, to my mind, even after taking into account all the other elements of sustainability advanced by the appellant, be a sustainable rural tourist venture when considered as a whole. I have not been presented with convincing and detailed evidence that there is an identified local need for this accommodation on this site and therefore the proposal would not comply with Policy DEV15 of the JLP in this respect.
13. It is argued that if this proposal is not acceptable then all other farm based tourist accommodation would be equally unacceptable. However, all proposals will have their own circumstances, for instance, in relation to distance, convenience and accessibility to local services and facilities, links that may enable walking via rights of way or public transport options. The overall balance of considerations will be different in each case. The policies of the JLP do not exclude rural tourism and farm diversification, but they do seek to establish a pattern of development that is based on the principles of sustainability.
14. The scheme may not harm the character and appearance of the wider area because it is located within woodland. However, I am not satisfied that the provision of the shepherd's hut and the likely associated paraphernalia and car parking would enhance the visual appearance of the area. Therefore, this matter is neutral in the overall considerations.
15. Taking all the above matters into account, I conclude that the proposed development would not be supported by the policies of the development plan because it would be located in an unsustainable location with poor access to local services and facilities other than by the private vehicle. In particular, the proposal would conflict with Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29 of the JLP and the Framework which seeks, amongst other things, to deliver sustainable rural communities.

Conclusion

16. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR