
Appeal Decision

Site visit made on 19 August 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/Y1138/W/20/3253248

Land at Brindiwell Hill, Cheriton Fitzpaine, Crediton EX17 4HR

- 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 Tom Knight against the decision of Mid Devon District Council.
 - The application Ref 20/00216/FULL, dated 5 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is proposed change of use of the land for the siting of four glamping structures.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of this appeal, there has been a change in the Development Plan with adoption of the Mid Devon Local Plan (LP) on 29th July 2020. This plan supersedes the Mid Devon Core Strategy 2007 (CS), Local Plan) and Local Plan Part 3 (Development Management Policies) and their policies referred to within the reasons for refusal on the Council's decision notice. I have therefore had regard to national and local policies as adopted at the present time. In light of the changes, I provided the main parties with an opportunity to comment on the policy changes. I have therefore considered the appeal against the current development plan policies.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the area and suitability of the location.

Reasons

4. The appeal site comprises a parcel of land to the south and south west of the dwelling of Polka Dot, in addition to associated access and parking areas served from the road to the north. The site sits in an elevated position within the local landscape with the land sloping downwards markedly to the south. The majority of the site falls within a larger field parcel. Whilst noting the presence of scattered buildings within the vicinity, surrounding vegetation and the expanse of farmland surrounding the site, combine to give the local landscape a verdant character. The appeal proposal is for the location of four glamping pods within the field, landscaping and associated works.

5. Policy S14 'Countryside' of the adopted LP requires development outside settlement boundaries to preserve and enhance character of countryside whilst promoting sustainable diversification of the economy subject to criteria including b) appropriately scaled... tourism and leisure related development.
6. Policy DM22 'Tourism and leisure development' of the LP requires that proposals outside of settlements must justify their countryside location, minimise environmental impacts and avoid unacceptable traffic, in addition to 3 criteria including that such development also respect a) character and appearance of the location; and c) demonstrate need is not met by existing provision.
7. Policies S9 'Environment' and DM1 'High Quality Design' seek, amongst other things, to encourage good design and to ensure that proposals preserve and enhance Mid Devon's natural landscape and make a positive contribution to local character.
8. Much of the boundary with the wider site is enclosed by a hedgerow that at the time of my visit obscured localised views to some degree. However, having assessed the inter-visibility between the site and the road on approach from the south west I observed views were possible onto and through the appeal site over and through the roadside hedgerow. Furthermore I am not satisfied that the screening benefits of hedgerow could be relied upon in perpetuity or during the winter months. The appeal development would introduce glamping pods to the elevated northern end of the field, that to my mind would be conspicuous from the local road network owing to their size, form and lack of existing substantial screening.
9. Whilst I have no objection to the design or materials of the pods themselves, it is evident that policies S14, DM22, S9 and DM1 place particular emphasis on development preserving the landscape qualities and character and appearance of the area. I consider, owing to the availability of views across the site from nearby vantage points and their elevated and physically divorced position from existing development, that the introduction of such structures would be visually prominent and to my mind intrusive within their landscape setting. Although the landscape may not be formally recognised, to my mind such development would be detrimental to the predominantly rural and mainly undeveloped character of surrounding land. Such harm would be amplified by the nature and intensity of use, and potential for associated paraphernalia and engineering works. Although I consider that the proposal would be mainly visible from localised viewpoints, it would nevertheless fail to integrate with its immediate environment. Given the elevated position of the pods and siting, the appeal development would represent a visually intrusive and incongruous addition into the countryside when viewed from nearby vantage points to the detriment of the character and appearance of the area.
10. Further to this, I acknowledge requirements associated to the improvement to visibility at the site access due to intensification of use. Although this is a highways requirement, I concur with the Local Authority that the extent of works proposed would also have a detrimental impact upon the character of the lane to the north, adding to the harm noted above.
11. The appellant has suggested that a scheme of landscaping could adequately soften the impact of the development and would offset any loss of hedgerow associated with visibility splays to the access. However, whilst acknowledging

the details before me owing to the elevated position of the site, I am not persuaded that any such scheme would be particularly effective. Furthermore, any planting would take some time to reach maturity and to my mind would not be effective in the short to medium term.

12. The appellant has indicated that the development would be read in the context of similar existing development. Whilst some detail has been provided by the appellant, I am not persuaded that the circumstances including their visibility from public vantage points is commensurate or that this overcomes the harm identified above. In any event, I have determined the appeal on its individual planning merits. The existence of other similar developments within the area does not alter or outweigh the harm identified above.
13. Although I acknowledge that policies within the Local Plan are generally supportive of sustainable forms of rural leisure and tourism activities, these policies are caveated that such development should not be harmful to the character and appearance of the area and surrounding landscape. Although the appellants have advanced a case that such accommodation would meet unmet demand that could not be provided elsewhere, I do not consider that this has been adequately evidenced or in turn that the proposals meet the sustainability aims of these policies. Whilst I appreciate the suggestion that the appellants yoga business operates from the dwelling of Polka Dot and this represents a niche business, I am not persuaded that the supporting information adequately demonstrates the need for this accommodation in this location. In any event, I am not persuaded that even if this were evidenced that this or the desire for the accommodation to be located in an elevated position to provide views for future occupants, would outweigh the conflict with the identified policies with regard to character and appearance.
14. For the collective reasons outlined above, I conclude that the proposed development would have a significantly harmful impact on the character and appearance of the surrounding rural area, whilst it has not been evidenced that this represents a suitable location for such development. Consequently, it would not accord with the design, landscape and sustainability aims of Policies S1, S9, S14, DM1 and DM22 of the LP, and the design and sustainability aims of the Framework.

Other Matters

15. The planning officer report states that given the nature of the works proposed that a wildlife survey would have been required to assess the impact of the proposal on protected species. Whilst the appellant indicates that the replacement hedgerow would have biodiversity benefits, given my conclusion on the main issue it has not been necessary for me to pursue and consider this matter any further.
16. I acknowledge that the appellant has outlined a number of benefits from the proposal that they indicate would meet the sustainable development aims of the Framework. These, include economic benefits such as supplementing the appellants income and benefitting local business; social benefits, including allowing people to enjoy the countryside and benefits from yoga classes; and environmental benefits, including limited levels of pollution, limited number of additional trips and effective use of land. Whilst this may be the case, I do not find that these matters outweigh the very significant harm identified in terms of my conclusion on the main issue.

17. Although the appellant indicates that the host field parcel is no longer in or required for agricultural use, to my mind this does not result in a presumption for development of this form. Neither these or the other matters raised outweigh or alter my conclusions with regard to the main issue detailed above.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR