



Appeal Decision

Hearing Held on 28 October 2020

Site visit made on 30 October 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/P1133/W/20/3256416

Oakmoor Touring Park, Dunley Lane, Bovey Tracey TQ13 9PW

- 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 Allan Howlett against the decision of Teignbridge District Council.
 - The application Ref 19/02436/FUL, dated 3 December 2019, was refused by notice dated 14 July 2020.
 - The development proposed is retention of mobile home as manager's unit to serve Touring Park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, I saw that the mobile home was in position on the site and appeared to be being used for residential occupation. I also noted that the reception building and amenities block were different to those that had been previously approved¹ and that the land in use for touring and camping purposes appeared to extend beyond the approved site area.

Main Issues

3. The main issues are:
 - the location and need for the development, having regard to local and national policies that seek to limit development in the countryside and minimise the need to travel; and
 - whether there would be an adequate means of surface water drainage to serve the development.

Reasons

Location and need for development

4. The mobile home is sited on an area of land for which planning permission was granted for use as a touring park. Whilst there is no specific condition referring to the number of pitches, the appellant confirmed during the hearing that the site currently offers 20 gravelled pitches and 27 grass pitches. The touring park

¹ Planning permission reference 15/01999/MAJ – approved 3 November 2016

has been operational since June 2019 (with the exception of a short closure due to the pandemic). The mobile home is occupied by the appellant's daughter and family, and she acts as the joint Overnight Warden/Manager.

5. The Touring Park is located approximately 1km from the closest village of Chudleigh Knighton. There is a limited public bus service available in the village but no stops within reasonable walking distance of the site. Though there is a rural road link, there are no footways or streetlights to allow for pedestrians to walk to the village. The appellant highlighted the availability of an off-road walking route to the village, though this may not be particularly attractive other than in daylight hours owing to the absence of streetlighting. Notwithstanding that the Council have permitted the use of the site as a tourist facility, there are limited realistic opportunities to access the site other than by private vehicle and the appellant's evidence acknowledges the 'isolated' nature of the site.
6. Teignbridge Local Plan 2013 – 2033 (adopted 2014) (Local Plan) Policy S1 sets the overarching principles of sustainability against which new development proposals will be assessed. Policy S1A casts the presumption in favour of sustainable development as the tool for decision making in the absence of any specifically relevant development plan policies.
7. The parties agree that the site is in the open countryside, outside of any settlement with a defined limit identified in Local Plan Policies S21 or S22. As such, the most relevant policies are considered to be Policies S22 and WE9. Whilst the appellant indicated that Policy EC3 was also relevant, my view is that it is not due to the fact that the Policy deals with rural employment and the proposal is for a new residential use, notwithstanding its relationship to a rural tourism business.
8. Policy S22 seeks to prohibit residential development outside of the defined settlement limits but allows for some exceptions, including for affordable dwellings to meet a local need, replacement dwellings, travelling show people plots, Gypsy and Traveller pitches, and dwellings for agricultural, forestry and other necessary rural workers.
9. Local Plan Policy WE9 relates specifically to rural workers dwellings and suggests, inter alia, that new dwellings will only be permitted where there is an essential functional need for a full time worker, where the business is of a sufficient size and is economically secure with a sound prospect of remaining so. The Policy also states that there should not be any dwellings on the holding or any sold within the preceding three years.
10. Though the Council indicated that there may be scope under Policies S22 and WE9 to permit a rural worker's dwelling, too little evidence had been provided to justify one in this instance. Given the stringent criteria of the Policy, the need for adequate justification is clear and repetitious requests from the Council for such evidence should not be relied upon. As the appeal was submitted in response to the Council's claim about a lack of justification, it also presented a further opportunity to collate and submit such evidence.
11. On the basis of the evidence largely presented during the hearing, it was agreed that prior to April 2019, there had never been a dwelling on the site. The appellant indicated that though he did not foresee it at the time, the necessity for an onsite management presence quickly became evident whilst

works were undertaken on site. After alleged incidences of theft and vandalism, the mobile home was placed on the land and became continually occupied thereafter. It was only in December 2019 that the appeal application was submitted. The issue of site security remains a key factor in the appellant's drive to seek a 24/7 year-round management presence on site. Though guest stays are typically taken between April and October, the site has apparently been used for the storage of caravans over the winter which it is claimed demands a higher level of security than if it were left largely dormant.

12. The appellant claimed that whilst the site has guests, he is onsite between roughly 6.30am and 10.30pm, utilising the reception building as a base and office. The tasks undertaken throughout a typical day include administration associated with bookings, checking guests in/out, undertaking site and facilities maintenance and generally assisting guests with any needs that arise. The night-time tasks include checking in any unplanned late arrivals, dealing with any issues that arise and managing any anti-social behaviour.
13. As suggested by the appellant, the typical pattern is that the night-time role is handed over to his daughter when he leaves for the day. However, it was also highlighted that the reception facility (in the form of a mobile home) also has two bedrooms, one of which is used by the appellant for overnight stays when the site is busy, i.e. near full capacity.
14. Despite the verbal indications that there is a demand for an onsite presence at all times, there is little in the way of documented evidence to justify the need for the dwelling. There is scant detail about the number of bookings received, arrival and departure times, duration of stays or personnel hours spent on tasks associated with guests or the general upkeep of the site. Very limited details have been provided about the frequency or nature of night-time incidents that have required intervention, nor any indication about the need for an onsite presence in preference to electronic means of security, i.e. electronic barriers, alarm systems or enhanced CCTV.
15. During the hearing, discussion took place about the economic viability of the business. No details have been documented in relation to the current economic viability of the business or associated forward projections. Whilst I accept that the appellant may not have had extensive accounts evidence at the original time of making the appeal application, much time has since passed and a clearer pattern of use and business needs have become apparent in that time.
16. Though the appellant indicated that he would accept conditions to link the occupation of the dwelling to the business and for an initial three-year period, the requirement for such a dwelling has not been adequately demonstrated by the evidence. Though there are tasks that an onsite manager can undertake, the need for a *resident* onsite manager is not clear, particularly as it appears that only limited caravan storage usage occurs between the months of November through until mid-March. There is also some doubt about the manner in which day and night-time responsibilities are divided and the need for additional overnight personnel stays during the peak season.
17. Drawing together the above conclusions, I do not consider that the location of the development accords with local policies or that a justified need exists for a rural worker's dwelling. As such, the proposal would result in unjustified development in the countryside with an associated increased need to travel by private vehicle and therefore conflicts with Policies S1, S1A, S22 and WE9 of

the Local Plan. For similar reasons, the proposal conflicts with the National Planning Policy Framework (2019), which seeks to avoid isolated homes in the countryside except in particular specified circumstances.

Surface water drainage

18. Owing to the acknowledged condition of the land, which is generally poorly draining, a surface water drainage scheme was devised to address additional surface water created by roads and buildings as part of the touring park. Amongst other things, it comprised of at least two holding ponds to contain the surface water and control the rate of flow of the discharge into the nearby watercourse. The implementation of the approved surface water drainage scheme was required by conditions 2, 8 and 9 of the planning permission. Condition 9 specifically stated that the surface water drainage scheme shall be implemented prior to first use of the tourist facility. Condition 11 also required details of future management and maintenance of the ponds.
19. It appears that the managers dwelling is located on the position of one of the ponds detailed in the approved surface water drainage scheme. Consequently, there is some uncertainty as to whether it compromises the ability for the site to deal with surface water in the manner originally envisaged. There is no evidence to suggest that the surface water effects of the mobile home itself have been factored into the capacity of the drainage infrastructure which may have been installed.
20. During the hearing, the appellant claimed that as part of the permitting process for the non-mains foul drainage system, the Environment Agency stipulated that one reed bed was sufficient to deal with the outfall therefrom. The appellant indicated that he thought that the Environment Agency were the relevant authority to deal with in relation to this matter and that this overrode the need to provide the other holding ponds. Owing to this confusion, the previously approved surface water drainage scheme had not been fully implemented, though the appellant agreed to implement any remaining or additional surface water drainage infrastructure as necessary.
21. During the discussion on conditions, the appellant indicated a preference for any conditions imposed to deal only with any surface water effects generated by the mobile home considered in isolation. However, the position of the mobile home is fixed to the area within the 'red line' of the submitted site location plan that would be changed to a residential use. Despite the sizeable area owned by the appellant and theoretical ability to relocate the drainage ponds, the position of the mobile home does not appear capable of being moved in the same way.
22. In view of the above, and given the limited evidence submitted, the proposal would not be provided with an adequate means of surface water drainage and nor is it clear whether it undermines the ability to implement the previously approved surface water drainage scheme. The proposal therefore conflicts with, in particular, Policy EN4 of the Local Plan which resists developments that have an inadequate provision of water services or surface water drainage and disposal that could otherwise pollute the water environment.

Other Matters

23. The Council's second reason for refusal refers to the current five year housing land supply position in the district (5YHLS). There was no disagreement from the appellant to the Council's claim of an adequate 5YHLS and consequently, this matter has not been considered further.
24. The Council did not raise any concerns in relation to the specific size of the unit, its location or any landscape or visual effects. However the absence of harm is a neutral factor in the overall balance.

Planning balance and conclusion

25. The appeal proposal conflicts with the development plan, read as a whole. Though it would result in the addition of a dwelling to the local housing stock, this is a benefit which attracts only limited weight given the scale of the contribution and current 5YHLS position. There are no other considerations of sufficient materiality to indicate that a decision should be made other than in accordance therewith.
26. For the reasons above, the appeal is therefore, dismissed.

Hollie Nicholls

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	List of suggested conditions from the Council
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APPEARANCES

FOR THE APPELLANT:

Mr Allan Howlett	Appellant
Ms Rebecca Dobeer	Joint Overnight Warden/Manager
Mr Steve Anderson	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Eve Somerville	Teignbridge District Council
Mr Richard Rainbow	Teignbridge District Council
Ms Alex Harwood	Teignbridge District Council
Mr Alex Lessware	Teignbridge District Council