

Appeal Decision

Site visit made on 25 January 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/K1128/W/20/3260220

The Stables, Ledstone Cross to Hill Cross, Ledstone TQ7 2HQ

- 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 L Maclachlan against the decision of South Hams District Council.
 - The application Ref 1542/20/FUL, dated 29 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is change of use from the existing stable building (agriculture) to holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the development would accord with local policies that seek to restrict tourism development in the countryside to minimise the need to travel unless an identifiable local need has been adequately demonstrated;
 - the effects of the proposal on the character and appearance of the area;
 - whether there would be adequate means of drainage; and
 - whether the proposal would provide adequate means of ecological mitigation and enhancement.

Reasons

Location, need and sustainable transport

3. The appeal proposal involves the reuse of a former stable block to form a unit of holiday accommodation. The building is situated on the edge of the small hamlet of Ledstone, which is devoid of facilities and services.
4. Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019) (JLP) sets out the hierarchy of settlements for the distribution of growth and development over the plan period. Ledstone is not an identified settlement under JLP Policy TTV1. Policy TTV1.4 relates to smaller villages, the hamlets and the countryside and development in such areas is required to support the principles of sustainable development and sustainable communities in accordance with Policies SPT1 and SPT2.

5. In relation to tourism development, JLP Policy TTV2 sets out that proposals in the 'Thriving Towns and Villages' policy area (TTVA) will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. The rural objectives of the Policy include the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.
6. Policy TTV26 further seeks to protect the special characteristics and role of the countryside, by resisting isolated development unless in exceptional circumstances.
7. Policy DEV15 applies in the TTVA and is applicable to developments in suitable rural locations that can improve the balance of jobs and diversify the rural economy. The Policy sets out 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. It also requires proposals to demonstrate safe access to the existing highway network, a positive relationship with existing buildings and avoid a significant increase in the number of trips requiring the private car.
8. A previous appeal decision on the site referred to the site as being in an isolated location¹. The appellant does not dispute this position and indeed indicates that the proposal is aimed at meeting a new requirement in tourism, which is that of isolation, particularly in light of the ongoing COVID-19 pandemic. Occupants of the appeal property would need to be reliant on private vehicles to access the closest settlement of Kingsbridge which is more than 3 kilometres away. Due to the distance, topography and lack of footways and lighting, the roads to Kingsbridge are not conducive to walking or cycling. For these reasons, the proposal would not be an obviously sustainable form of rural tourism development that accords with SPT1, TTV1 or TTV2.
9. Policy TTV26 also indicates that the reuse of redundant or disused buildings and redevelopment of brownfield sites in the countryside may be permissible. Where appropriate, such buildings should be structurally sound traditional buildings. The stable block was built following a permission granted after the year 2000, and consequently, my colleague found that the building was not traditional in the sense intended by the Policy. Despite a recent period of unlawful residential use, there is little evidence that the building became disused following its construction for its originally intended purpose.
10. In terms of Policy DEV15.7 and the 'need' for the development, the appellant provides a number of excerpts from statements provided in support of alternative holiday accommodation proposals. The generalisations made about UK holiday trends from the cited articles, whilst positive in general, falls short of an identified local need for the appeal proposal in its specific location. There are no details about the existence and availability, or otherwise, of local holiday facilities or details about what specifically the proposal offers that is unrepresented locally.
11. The appellant indicates that planning policy accepts that rural tourism will be more reliant on cars and advances the policies of the National Planning Policy Framework (the Framework), including paragraphs 78, 83 and 103, as

¹ Appeal decision reference

supporting this view. The Framework also expects existing rural buildings to be redundant or disused. Whilst the Framework is a key material consideration, the development plan, adopted in 2019, forms the primary policy consideration. It has plan-specific expectations on the location of new development and how to minimise unsustainable travel patterns relative to its largely rural context. Therefore, whilst the JLP has more specific requirements, these do not make it inconsistent with the objectives of the Framework.

12. The appellant also raises that the Council has been inconsistent in its approach to the location of holiday proposals, with some having been permitted only a modest distance from the appeal site. The appeal decision cited in the appellant's case for Lower Leigh Farm² appears to underscore the issue of locational conflict with the JLP and does not lend support to the proposal in terms of its location and degree of car dependency.
13. The evidence taken from the supporting statement relating to the Lower Ebsworthy Town Farm case³, whilst referring to Kingsbridge generally, does not indicate that support should be given to the current proposal. The evidence given in support of that scheme was more site-specific and indicated confidence from a lettings agent that the property would let for a high number of weeks. I have nothing as specific to the current proposal or details relating to that unit's size, format, or facilities to compare with the current proposal.
14. The example of the Lower Ebsworthy Town Farm, irrespective of its proximity from the appeal site, also appears to have involved the reuse of historic buildings that were capable of conversion and with consequent benefits for the historic environment. This differs from the current proposal in that the building has already been found not to be a traditional building.
15. The example of The Old Rectory⁴ appears to indicate another traditional building reuse scheme in closer proximity to a defined sustainable village, thus offering at least some ability for occupants to walk or cycle, which does not exist with the appeal proposal. Similarly, the example of Little Efford Farm⁵ appears to have involved the conversion of a non-designated heritage asset, closer to a main settlement and where a locally identified need had been adequately demonstrated.
16. The proposal is suggested as a 'green' tourism proposal with the ability to secure onsite electric car charging, a solar array and air source heat pump. It would also have a bike store, onsite vegetable patch and access to beehives. Notwithstanding the desirability of these aspects, where capable of being conditioned, they would not offset the need to locate development where it promotes a meaningful choice of sustainable transport modes.
17. In terms of the compatibility with the local road network, the site would be accessed via private vehicle. Whilst the local road network is narrow and steep in places, there is no indication that the type and level of vehicular traffic that would be generated would be unsafe or incompatible therewith.
18. However, drawing together this main issue, whilst I note that the proposal could provide a type of 'off grid' experience given its isolated position, its

² Ref APP/K1128/W/18/3217159

³ Ref 01829/20/FUL

⁴ Ref 1438/19/FUL

⁵ Ref 0467/19/FUL

location does not accord with the sustainable settlement hierarchy of the Plan as defined in Policies SPT1, TTV1 and TTV2 and nor has an identifiable need been adequately demonstrated in order to comply with JLP Policy DEV15.

Character and appearance

19. The building is L-shaped, timber clad and single-storey, albeit with evidence of a room/s with restricted headroom in the roof. It also has a flue, satellite dish and aerial on the roof. The building has been set into the landscape and benefits from a degree of screening by the surrounding landscaping. On the grassed areas surrounding the building are a number of domestic items, including two small sheds, an allotment garden area, and items of children's play equipment.
20. The domestic alterations to the building, including the satellite dish, flue and aerial, were found to result in a more intrusive form of development than the former stable block and these effects were found to be exacerbated by the parking arrangements and domestic paraphernalia elsewhere within the site. Whilst the appellant indicates that there is no space for additional items and no need for them to be placed around the building given the availability of internal storage, I do not find this to be the case. Many associated items of domestic paraphernalia, including garden furniture, washing lines etc., would also be of use to holiday guests. There is no indication that these elements would be removed and nor could a condition prevent such items from being reintroduced or relocated within the site.
21. The appellant has also submitted a photomontage to show that the elevated site position and screening from landform and planting combine to conceal the proposal within its wider landscape setting. Whilst not be particularly visible from wider vantage points, in those views from where they are visible, these elements indicate domestication and features that jar with the typical rural scene in which a stable block would typically be located.
22. In view of the above, the minor additional elements on the building and associated domestic paraphernalia that alter the scene from a rural to a domestic one, are harmful to the character and appearance of the area, contrary to, in particular, JLP Policy DEV23. This Policy seeks to ensure that development is located and designed to respect scenic quality and maintain an area's distinctive sense of place.

Drainage

23. The appeal was submitted with a Surface Water Drainage Assessment (Drainage Assessment) which details the investigations into the porosity of the site and makes recommendations for the provision of a surface water soakaway, based on topography, existence from features, including other drainage fields etc. and the volume requirements. The Drainage Assessment infers that the soakaway is yet to be implemented, but the appellant's statement suggests that this feature is already in existence.
24. The Drainage Assessment indicates that foul water from the building is routed to a septic tank and discharged to ground via drainage field but does not provide details of their whereabouts or design.
25. Notwithstanding the limited detail in respect of the foul water drainage system and lack of clarity in respect of whether the recommended soakaway is yet in

place or not, there is sufficient detail within the appeal evidence to indicate that there are suitable drainage solutions that can be accommodated on site. The remaining details required could be sought by way of planning condition.

26. In view of the above, the proposal could be provided with an adequate means of drainage and would therefore comply with Policy DEV35 of the JLP. This Policy seeks to ensure that development incorporates sustainable water management measures, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere.

Ecology

27. The appeal was submitted with an ecology survey assessing the use of the building and curtilage by bats, barn owls, nesting birds and reptiles. No bats or evidence of their presence was found within the converted building or curtilage. As such, no further surveys or mitigation for bats was found necessary.
28. In terms of barn owls, there were no signs of any nesting or roosting in or around the building. Nor were any nesting birds found in the building, though abundant potential nesting habitat was identified around the edges. The main recommendation was to time works to avoid the bird nesting season. In terms of enhancements, the proposal includes the provision of two bird boxes.
29. Other enhancement measures include the creation of a small wildflower meadow, a new hedge and pond. Collectively, these measures would create a net gain in biodiversity. The proposal would ensure an adequate means of ecological mitigation and enhancement, and would therefore comply with JLP Policy DEV26, which, amongst other things, supports the protection, conservation, enhancement, and restoration of biodiversity.

Other Matters

30. I note the appellant's criticism of the Council concerning the lack of requests for further information in respect of need and ecology. Notwithstanding this, there is nothing to suggest that the Council considered the case on the basis of anything other than its specific merits.

Planning balance and conclusion

31. The proposal would deliver some benefits to the rural economy and could create some minor ecological enhancements. Subject to conditions, it would do so without increasing the risk of water pollution or flooding elsewhere.
32. However, the occupants of the holiday unit would be wholly reliant on private vehicles for any trips to purchase goods or access facilities and there is insufficient information to demonstrate that it is needed in such a location. Furthermore, there would be some minor harm to the character and appearance of the area. These conflicts with the development plan attract full weight and are not outweighed by the stated benefits or other considerations.
33. For the above reasons, and taking into account all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR