

Appeal Decision

Site visit made on 14 July 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/K1128/W/21/3269242

Alston Hall, Henna Mill Cross to Alston Cross, Holbeton, Plymouth PL8 1HN

- 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 J Steven against the decision of South Hams District Council.
 - The application Ref 0693/20/FUL, dated 28 February 2020, was refused by notice dated 19 August 2020.
 - The development proposed is construction of six accessible holiday lodges and associated landscaping and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework) (July 2021). Comments were sought from the Council and the Appellant on the relevant changes. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issues

3. The main issues are:
 - whether the location of the development would accord with local policies that seek to locate tourism facilities close to sustainable settlements and where the need to travel by private vehicle is minimised; and
 - the effects of the proposal on the setting of the Non-Designated Heritage Asset (NDHA), Alston Hall.

Reasons

Location of development

4. The proposal seeks permission to site six holiday lodges in the grounds of Alston Hall which lies in a rural position approximately 6 km from the nearest large settlement of Yealmpton and a similar distance from Newton Ferrers. The site can be accessed from a network of minor roads which link with the A379 in Yealmpton. In the vicinity of Alston Hall are a small number of other dwellings surrounded by agricultural land, giving the area a sparsely settled, rural feel.
5. The development plan for the area includes the Plymouth and South West Devon Joint Local Plan (JLP), adopted in 2019. Overarching Policy SPT1 of the

JLP seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the environment. It specifies a number of ways in which it seeks to do so, but access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.

6. The appeal site is within the Thriving Towns and Villages Area (TTVA) and is in the fourth tier category of Policy TTV1 which relates to the 'Smaller villages, Hamlets and the Countryside', where "*development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2)...*". The aims of Policy SPT1 are detailed above. Policy SPT2 is principally concerned with the creation of sustainable resident communities, but there is an extent to which tourism can play a role in supporting these, particularly where conveniently located for access thereto.
7. In relation to tourism development, JLP Policy TTV2 sets out that development proposals in the TTVA will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. Its specific rural sustainability objectives 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.
8. JLP Policy DEV15 (7) specifies that in respect of rural tourism, "*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...*". This is relevant to the proposal as the units proposed would technically fall within the definition of caravans.
9. As the proposal is in the countryside, it would not support the sustainable settlement hierarchy. Insofar as it would only be accessible via private vehicle, the proposals would not obviously support a sustainable pattern of development or travel as required by JLP Policy DEV15. However, this would not result in it being strictly incompatible with the rural road network as I consider that the number of additional vehicle movements could be accommodated without any detriment to highway safety.
10. The evidence suggests that Alston Hall itself is let to large family groups as a holiday let and that it achieves an average of approximately 34 weeks a year occupancy on this basis. The proposal would allegedly add to, and diversify from this existing tourism offer and sustain the jobs that already support this use. In terms of the 'need' for the development, the evidence points towards there being a degree of demand in the South Hams area for accessible accommodation for those with disabilities.
11. However, there are a number of inconclusive matters which undermine the validity of the proposal in respect of both the need therefore and its support for the existing 'business'. There is much discussion about the house being used by guests to help facilitate the costly upkeep of the building but little to suggest that there is a sustainable business of which the proposal would become a part.

12. Secondly, there is a degree of disconnect between the limited evidence of need for accessible accommodation and the nature of the scheme proposed. On a more detailed review of the evidence, the number of caravan units with design-specific layouts and components directed towards guests with restricted mobility would be minimal, with little deviation from an 'off the shelf' product in most cases. Similarly, there is limited evidence of how any proffered internal decoration would assist those with visual impairments and how such aspects would be maintained as integral to the fabric of the units in the long-term.
13. Consequently, whilst there appears to be a degree of need for accessible tourism units in the area, the proposal would not contribute more than minimally towards meeting it, less so related to the modest number of units than the number of them that would include numerous genuine accessibility adaptations, particularly for mobility impaired guests.
14. Consequently, I am not capable of concluding that the proposal would meet a locally identified need to align with JLP Policy DEV15 that may otherwise outweigh the conflict with, in particular, Policy TTV2, in terms of the location of the development and the manner in which it would further an unsustainable pattern of development.
15. A secondary facet to the 'need' detailed is that generated by Alston Hall as a very large, 18 bedroom building of age (c. 1906) and which is a NDHA. The costs of upkeep of the building have been emphasised and a building report details a 10 year maintenance plan that demands around £170,000 of investment. Irrespective of whether some of these maintenance measures are overdue or required in the future to ensure the longevity of the building, I accept that it requires maintenance that is likely to be more costly than for a more modern, less significant building. The evidence indicates that the scheme is not to be considered as a formal 'enabling' development, however, the manner in which the scheme is promoted suggests some form of cross-subsidy, through either sale or rental income.
16. Whilst I can be reasonably certain that the scheme would generate an income for the appellant by one means or another, there is nothing before me in the form of a legal agreement to secure the future works to the NDHA. In distinguishing the proposal as something other than enabling development, and in the absence of any means of linking the scheme income to the NDHA works, I cannot be certain that the proposal would be a direct benefit to the heritage asset, particularly over such a long timescale.
17. Drawing the above factors together and on balance taking into account the evidence before me, the location and nature of the development would conflict with the sustainability and rural tourism aims of JLP Policies SPT1, TTV1, TTV2 and DEV15.

Setting of NDHA

18. From the evidence, Alston Hall is a former vicarage built on a modest parcel of agricultural land and was built to reflect the 'Arts and Craft / Art Nouveau' styles of large houses of that period. The house has a distinct tree-lined driveway and its formal gardens lie to the front, including tennis courts, croquet lawn and a swimming pool. The area to the rear is now divided by a well treed boundary to form a separate curtilage for the former coach house.

19. The significance of the house therefore derives from its age, architectural style and features of its building fabric. The driveway and garden also form an important part of its significance, with the rural setting a positive feature but lesser contributor in this regard. The rural qualities have been modestly diminished already by the separation and introduction of domestic elements to the adjacent 'Carriage House', evident in views on approach to Alston Hall.
20. The appeal site is slightly removed from the house, adjoining the periphery of the garden and car parking area, but serving no immediately obvious purpose. It contributes modestly towards the significance as an undeveloped area of adjoining land with mature trees which gives the area a tranquil quality and pleasant wooded aspect in outward views from the front windows and garden.
21. Due to the slope of the appeal site, its position in relation to the house and the existence of the mature trees which would be retained, there would be very limited views of the units Nos 2 - 6 from the house and garden. The main impact would be the extension of the access road from the existing car parking area across an area of lawn and the siting of unit No 1, which would be initially at least, fairly apparent in views from parts of the garden.
22. The effects of the proposal would result in only minor harm to the setting of the NDHA and on its significance as a whole. The introduction of planting would diminish views of unit 1 over time, but I consider that the unit, the access road and circulation areas would still remain visible over time to a degree that would still be minorly harmful.
23. JLP Policy DEV21 requires that development that harms the significance of NDHAs will only be permitted where justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. This follows the approach outlined in the National Planning Policy Framework (the Framework) (2021).
24. As the alleged 'heritage benefit' of assured maintenance of the NDHA through income derived from the proposal is not a certainty, this is incapable of attracting weight. However, other benefits from the proposal that should be weighed against the identified harm are outlined in the planning balance below.

Other Matters

25. Whilst it has been suggested that the site intended for the units is previously developed by virtue of its former use in association with the Hall, there is very limited evidence of this in the submission or on the ground. As such, I have given no weight to this aspect. Similarly, whilst the previous uses of the site as a hotel and country club may have indicated a level of use that was compatible with the rural road network then, the use of the site has since changed and the site's historic uses do not add weight in support of the current scheme.

Protected Sites

26. The appeal site is within the zone of influence of the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area (the protected sites), designated under the Conservation of Habitats and Species Regulations, 2017 (as amended).
27. Development including overnight accommodation in this location, both individually and cumulatively with other schemes, could have significant effects

on the features of interest of the protected sites due to increased recreational use and other domestic activity. On the basis of the evidence before me, such effects cannot be ruled out.

28. The Council indicates that mitigation measures would be necessary to offset the likely effects of the proposal under the terms of the 'Recreation Mitigation and Management Scheme'¹ and that such could be secured through a unilateral undertaking (UU) made as a deed under Section 106 of the Town and Country Planning Act 1990. The appellant has not provided a completed UU, but has agreed to the principle of providing one if required and in the event of the appeal being allowed. Under the terms of the Planning Practice Guidance (PPG), it is not appropriate to seek commitment to the payment of financial contributions by way of negatively worded conditions except in exceptional circumstances, which are not present in this case.
29. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the suitability or deliverability of the mitigation within an Appropriate Assessment. Consequently, I have not taken this matter further.

Planning balance and conclusion

30. Against the minor harm to the significance of the NDHA, I balance the economic benefits of likely increased tourism to the area and support to employment opportunities and businesses based in the surrounding towns and villages. The proposed landscaping enhancements along the driveway and within the setting of the NDHA, which would also have some biodiversity benefit and which would be capable of being secured by condition, are also matters that pull in favour of the scheme. Thus, taking a balanced view as prescribed by JLP Policy DEV21 and the Framework, I reach an overall conclusion of the minor harm to the significance of the NDHA being marginally outweighed by the planning benefits of the scheme.
31. However, even absent of any heritage harm, the location and nature of the development raises conflict with the development plan, when considered as a whole. The moderate benefits are not sufficient to outweigh this harm and do not indicate that a decision should be made other than in accordance therewith.
32. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme (2019)