



Appeal Decision

Site Visit made on 19 October 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/P1133/W/21/3276866

Woodlands, Stoneyhill, Abbotskerswell, Newton Abbot TQ12 5LH

- 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 Miss Annette Frazier against the decision of Teignbridge District Council.
 - The application Ref 20/02364/FUL, dated 17 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed is the retention of building and alterations to form holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development is suitably located with particular regard to the provisions of local planning policy in respect of the location of development within the open countryside.

Reasons

3. The appeal building is single storey and positioned to the south west of the dwelling at Woodlands. Immediately to the south of the appeal building, and separated from it by hardstanding, is a substantially scaled building which is agricultural in character and appearance. The evidence before me indicates that the site is located outside of a defined settlement and it appears that there is no dispute between the main parties that the appeal site is located within the countryside for planning purposes.
4. Policy S1A of the Teignbridge Local Plan 2013-2033 (the Local Plan) sets out how the Council will apply the presumption in favour of sustainable development with Policy S1 of the Local Plan, which concerns sustainable development, requiring that proposals perform well against various criteria. Amongst other matters, those criteria include ensuring appropriate effects on residential amenity, maintaining local character and minimising travel. Policy S1 of the Local Plan also provides that the suitability of the location for development proposals may be set out in other policies of the development plan.
5. Policy S22 of the Local Plan provides that, outside of defined settlements, development is to be strictly managed and limited to proposals for, amongst other things, rural workers dwellings, affordable housing and buildings for agricultural, forestry, equine, industry, business, warehousing, retail, leisure

and tourist uses. In respect of these matters, Policy S22 of the Local Plan provides that particular account will be taken of, amongst other things, impact on overall travel patterns arising from the scale and type of development proposed.

6. Policy EC11 of the Local Plan specifically concerns tourist accommodation and provides that, outside of defined settlements such holiday accommodation will be acceptable where it meets a list of criteria. In respect of these criteria, the evidence before me confirms that the appeal scheme would not support or expand an existing tourism business, would not be part of a farm diversification, nor would provide bed and breakfast accommodation or a new campsite. Whilst the criteria listed under Policy EC11 of the Local Plan also includes the conversion or change of use of a permanent and soundly constructed building, the planning history for the site and evidence before me confirms that the building does not have planning permission and therefore could not be considered to be a permanent building in terms of this policy.
7. Notwithstanding the above, the Appellant maintains that the appeal proposal would comply with criterion g) of Policy EC11 of the Local Plan, in that the scheme would provide an innovative and unusual form of holiday accommodation which would widen and enhance the tourist offer of the area. In this regard the Appellant has put it to me that the use of the appeal building would be for wellness holidays and that visitors would be provided with the opportunity to bring their own horses. The Appellant contends that there are no other tourism accommodation developments, which provides wellness in association with equestrian activities, within the area.
8. In respect of these matters, I would concur that the provision of accommodation for wellness holidays in association with equine activities could be considered to be somewhat innovative and unusual. In the absence of evidence to the contrary with regards to similar accommodation being provided within the area, I accept that such a proposal could also widen and enhance the tourist offer of the area.
9. However, it is noted that the agricultural building located immediately south of the appeal building as described above, does not have planning permission and the surrounding land does not benefit from permission for equine use. Whilst it is acknowledged that the Appellant contends that "there is little Local Plan policy to suggest that type of development would not be acceptable", I have not been provided with any evidence, beyond a general assertion, which indicates that such a use would be permitted. The agricultural building nor the surrounding land have been included within the appeal site shown on the plans, and there does not appear to be any method before me which would tie the use of that agricultural building or the land to the appeal building in respect of providing equine activities or stabling.
10. Furthermore, whilst it is noted that the Appellant intends to provide holiday accommodation for vulnerable and sensitive children, which I would agree could be considered to be an innovative or unusual form of holiday accommodation and which could provide substantial social benefits, there is no mechanism before me which would restrict the use of the accommodation to those vulnerable persons. As such, the appeal building could be exclusively used for providing tourism accommodation for those who are not vulnerable,

and which, in my view, would not be unusual or innovative and therefore contrary to the aims and objectives of Policy EC11 of the Local Plan.

11. Weighing in favour of the appeal scheme, I acknowledge that holiday accommodation would provide economic benefits in terms of future spend of visitors within the wider surrounding area. Furthermore, the proposed use of the appeal building for tourism accommodation would provide some social benefits. However, by reason of the scale of the proposal and given that the holiday accommodation would be available for all rather than being restricted to those who are vulnerable, I attach only limited weight to the economic and social benefits associated with the proposed scheme.
12. In terms of environmental benefits, given that access to services and facilities such as shops or public transport links would not be convenient on foot or by bicycle for all due to the unlit, narrow nature of the nearby highways and distances involved, it is likely that future users of the proposed holiday accommodation would be reliant on private vehicles in order to meet their everyday needs. Although many visitors to the countryside may use private vehicles, holiday units in areas which are remote from local facilities are likely to generate more journeys than holiday units in locations where shops and services are more easily accessible. As such the proposal would contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions.
13. Whilst it is noted that paragraph 85 of the National Planning Policy Framework (July 2021) allows for some development in rural areas that may be adjacent to or beyond existing settlements, and in locations that are not well served by public transport, those are developments intended to meet local business and community needs. In this respect, whilst acknowledging the letters of support from local groups, as noted above there is nothing before me which would restrict the appeal building for use by vulnerable persons, and there does not appear to be any evidence before me that general holiday accommodation of this type would meet a local or community need.
14. I therefore conclude that the proposal would not comply with Policies S1 and S1A of the Local Plan which promote sustainable development. For the above reasons, there would also be non-compliance with Policies S22 and EC11 of the Local Plan which controls development, and specifically tourism development, in the countryside.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR