



Appeal Decision

Site Visit made on 29 October 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/Q1153/W/21/3278604

Alder Farm, Lewdown, Okehampton EX20 4PJ

- 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 B Westlake against the decision of West Devon Borough Council.
 - The application Ref 1028/21/FUL, dated 10 March 2021, was refused by notice dated 30 June 2021.
 - The development proposed is Change of use of fishing lake to allow the siting of 4 floating holiday pods on the lake with the existing site car parking area and toilet unit retained.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of fishing lake to allow the siting of 4 floating holiday pods on the lake with the existing site car parking area and toilet unit retained at Alder Farm, Lewdown, Okehampton EX20 4PJ in accordance with the terms of the application, Ref 1028/21/FUL, dated 10 March 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location and layout plan; Floating pod design - Elevations (Dwg Exe/1); and Floating pod unit, floor plan and roof detail (Dwg Exe/2).

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, as the Framework's provisions that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, with particular regard to access to services and facilities.

Reasons

4. Located in the countryside, the appeal site is situated in a rural area and is some distance from settlements with services and facilities. The highway running past the site is also relatively busy and pedestrians and cyclists wishing to access the site would have to negotiate relatively long stretches of unlit

highway with no formal separation from vehicular traffic. Combined with the distances involved, walking or cycling to and from the site would not therefore be particularly appealing or safe. However, the submitted evidence indicates that the 6A Exeter to Bude bus, which runs past the site a few times a day, is a hail and stop service and provides access to the main villages between Bude and Okehampton. With me observing on my site visit a good level of visibility along the highway in both directions in the vicinity of the site, I see no reason why the bus could not safely stop near the entrance if requested.

5. Accordingly, while official bus stops are some distance away and beyond the indicative figures in Figure 3.2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP), it seems to me that the proposed development would be accessible by public transport. Although the highway conditions in the vicinity of the site are likely to discourage the majority of occupiers of the proposed pods from accessing services and facilities in the wider area by walking and cycling, cyclists using the nearby cycle route could also make use of the proposed holiday pods for accommodation. In addition, the café and shop associated within the adjoining vineyard could, although not necessarily providing goods for daily needs, be accessed on foot or bicycle from the proposed pods.
6. Occupiers of the proposed development would not therefore be solely reliant on the private vehicle to access the site and services and facilities in the area. Furthermore, the appellant has indicated that fishing and kayaking on the lake would cease with the erection of the pods. Accordingly, any vehicle movements associated with the appeal proposal would likely be offset by the reduction in vehicles accessing the site for fishing and kayaking.
7. A number of appeal decisions have been drawn to my attention relating to proposals elsewhere. All these cases are noted, but the available evidence indicates that the circumstances are sufficiently at variance that I have judged this appeal proposal on its own individual merits.
8. For the above reasons, I conclude that the proposed development would be in a suitable location, with particular regard to access to services and facilities. I therefore find that it accords with JLP Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29. Amongst other aspects, these: set out the Council's overall approach to delivering sustainable development, linked neighbourhoods and rural communities, and that growth will be delivered according to a hierarchy of settlements, with development in the countryside permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities; indicate that specific objectives of rural sustainability include the delivery of, amongst other things, sustainable rural tourism development; provide support to proposals in rural areas which are in suitable locations; and require development to, amongst other aspects, promote sustainable transport choices, have reasonable access to a vibrant mixed use centre which meets daily needs for local services, and avoid a significant increase in the number of trips requiring the private car. The proposal would also be consistent with the Framework's provisions in relation to supporting a prosperous rural economy and promoting sustainable transport.

Other matters

9. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as precedent, safety of

users of the proposed pods, the extent of change in how and when the lake would be used and its availability for local users, minimal additional employment potential with the proposed pods, the effect of the proposed development on the living conditions of adjoining occupiers and wildlife, and overdevelopment of the site. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion and Conditions

10. For the above reasons, the appeal is allowed.

11. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. However, I have not included 'document 1' in the condition because the approved plans include similar details. The Council have not suggested any conditions at appeal in relation to drainage, biodiversity or neighbouring residential properties and the submitted evidence does not indicate that any such conditions would be necessary.

T Gethin

INSPECTOR