



Appeal Decision

Site visit made on 16 May 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/W1145/W/21/3287685

Headon Farm, Chilsworthy, Devon, EX22 7JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Rob Tratt against Torridge District Council.
 - The application Ref 1/0889/2021/FUL, is dated 17 August 2021.
 - The development proposed is for the provision of additional holiday accommodation in relation to an existing tourism business at the property.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of additional holiday accommodation in relation to an existing tourism business at the property at Headon Farm, Devon, EX22 7JF in accordance with the terms of the application, Ref 1/0889/2021/FUL, dated 17 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plans and Elevations; Block Plan (30 July 21); Location Plan (20/4/21).
 - 3) The building hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Furthermore, the development shall not be occupied as a person's sole or main place of residence, or as a second home.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; additions etc to the roof of a dwellinghouse; and buildings etc incidental to the enjoyment of a dwellinghouse.
 - 5) Prior to commencement of any drainage works as part of the development hereby permitted, details of foul and surface water drainage (to include, if applicable, a drainage field, percolation tests, calculated drainage field area and location of any surface water discharge point to a

watercourse) should be submitted to the Local Planning Authority for approval. The drainage from the development shall thereafter be implemented only in accordance with the agreed details.

- 6) Prior to the first occupation of the accommodation hereby permitted, one swift box, shall be installed on the building, and retained as such thereafter.

Main Issues

2. The planning application was not determined by the Council before it was appealed. From the Council's Appeal 'Statement of Case' and all the other evidence submitted I would regard the main issues as being the following:
 - Whether the site is a suitable location for the development having regard to the tourism policies of the development plan
 - The effect of the development on the character and appearance on this rural landscape
 - Whether the proposal provides for suitable foul drainage.

Reasons

Principle of development in this location

3. The proposal is for a dormer style tourism accommodation unit over two storeys. It is proposed to be sited on an area which appears to have been a storage and parking area to the corner of a field, near to the main farm complex. Within this complex is an existing holiday accommodation unit, which is within a converted agricultural building.
4. Headon Farm is within a distinctly rural area and is in a relatively isolated location. However, what is proposed is a tourism accommodation development which would have the attraction of the North Devon countryside. Indeed, policy ST13 of the Local Plan recognises that sustainable tourism is an integral part of the economy of northern Devon. The policy supports high quality sustainable tourism development, provided it does not damage natural or historic assets.
5. Policy DM18 of the Local Plan specifically addresses tourism accommodation. It sets out that outside the settlement centres the development of new tourism accommodation will be supported where it improves facilities for or diversifies the range or improves the quality of existing tourism accommodation (DM18 2C).
6. As stated above there was planning permission for the conversion of a redundant agricultural barn to holiday use from 2012 (Ref 1/0234/2012/FUL). The appellant states that the use of this existing holiday accommodation is ongoing and has been for some time. They also suggest that it has been a popular tourism accommodation unit, which the appellant has sought to demonstrate through volume of bookings and also the increasing demand the enterprise has experienced. This evidence submitted includes bookings through 2021 with what appears to be a high occupancy rate, together with other related messages and enquiries.
7. As set out by the Council there was limited information with regards the tourism accommodation already on site, with a lack of accounts or details of

websites where the unit is marketed. However, there is no substantive evidence that this is not an active tourism accommodation unit or that it is being used for some other purposes. I therefore conclude that there is existing tourism accommodation on the site.

8. As set out in policy DM18 2C, new tourism accommodation will be supported where it improves facilities for or diversifies the range or improves the quality of existing tourism accommodation. The proposal is larger than the existing accommodation unit and is also in a location set outside of the farmyard. It may attract people seeking a larger holiday accommodation unit to rent or who would be attracted by the particular rural location of the proposed holiday accommodation. It would also simply increase the holiday accommodation units within the site also. For these reasons I am satisfied that the proposal would diversify the range of existing tourism accommodation at Headon Farm. The proposal would therefore accord with part 2c of policy DM18.
9. To fully accord with policy DM18 the proposal also has to be in compliance with criteria (d) to (h). In this regard I would consider that based on the submitted evidence and my observations on site the single additional unit would be of an appropriate scale, would not generate traffic to the point where it could compromise safety, would not harm any specific environmental or heritage assets, nor adversely affect the setting of the AONB. However, the Council has concluded that the proposal would be contrary to DM18 2f, which requires that tourism development is designed to respect and enhance the key characteristics of the relevant landscape character types. This matter will be considered with the following section.

Landscape and Character Impact

10. The landscape to which this site is set is characterised by low rolling hills and agricultural land uses. From my site visit the location of the holiday cabin would not be on a ridge but instead be at a lower level than some of the nearby buildings at Headon Farm, being set down the valley towards the brook to the south. It is not at the base of the valley, but it is not on a ridge location either.
11. The design and appearance of the proposed holiday cabin relates suitably to the rural setting. Although it would have two storeys the roof has been set down with the building more of a 1.5 storey height.
12. The proposed location of the holiday cabin is set to the west of the main farm complex and yard. It is connected to the farmyard area by a short path/track. Although detached from the existing buildings it is closely related and adjacent to the farmhouse garden for example. In my view, it would be seen as part of the same collection of buildings and not as a completely isolated building within the countryside, especially from distanced views. This would mitigate against any perceived visual encroachment into the countryside or the prominence of the development.
13. The site would not be readily visible from the highway to the west of Headon Farm due to existing and mature trees and hedgerows. Furthermore, due to its surrounding vegetation and the topography of the site it would not be more than partially seen (if at all) from the highway by Lana to the west. I also understand that there are no public rights of way in the immediate vicinity, where people could see the proposed building.

14. For all the reasons set out above I conclude that the proposed holiday cabin, whilst relatively large compared to the existing accommodation unit for example, would have a minimal visual impact and would not be materially harmful to the rural landscape setting. It would be a new building in the countryside, but tourism based development can be appropriate in such rural settings, as considered in the first main issue above.
15. For these reasons the proposed holiday cabin does not conflict with policies DM04, DM08A, ST04 and DM18 (including criterion 'f') of the North Devon and Torridge Local Plan. These policies require that development be of good design, appropriate and sympathetic to its setting, and is designed to respect and enhance the key characteristics of the relevant landscape character types.

Drainage

16. As originally proposed the development would be served by a new package treatment plant and it is proposed for water to discharge into an existing ditch. There was not the information needed by the Council for them to conclude that this was a suitable method.
17. The appellant states that a 'clear water' package treatment plant would ensure that there would be no pollution risk. However, they do state that there is the possibility of an alternative drainage field which could be installed. There is no substantive evidence before me as to why an achievable drainage scheme cannot be incorporated and so this matter can be addressed with a relevant condition. As such, there is no reason to assume that the proposal would be in conflict with policy DM02 of the Local Plan, which relates to environmental protection against pollution, amongst other things.

Planning Balance

18. I have found that the proposal would generally accord with all the above policies, including DM18, which relates to tourism accommodation, even when outside of settlements. There would be no material harm to the landscape character, whilst the proposed holiday cabin would draw economic benefits with tourism an important industry to this part of Devon. The scale of the development is such that it should have no likely highway safety issues or result in congestion issues either. As such, the proposed development should be supported.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
20. I have attached the standard time limit condition and a plans condition as this provides certainty.
21. A condition is attached to restrict the occupancy to 'holiday accommodation' only, as this is how the development has been proposed and any alternative in this location may be contrary to planning policy. The recommended condition has been added to clarify that the development shall not be occupied as a person's sole, main place of residence or as a second home.

22. The Council has suggested removal of permitted development rights for the holiday accommodation. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Nevertheless, the nature of the site and its size and position in the countryside indicates that in this instance such a condition is necessary and reasonable in the interests of the visual amenities and intrinsic beauty of the area. However, I have limited which permitted development classes are to be restricted, as not all those recommended by the Council I would regard as being necessary.
23. To ensure a suitable drainage system and to safeguard against environmental harm a condition requiring full details of foul and surface water drainage is imposed.
24. In the interests of providing biodiversity net gain a condition requiring a swift box is imposed.

Conclusion

25. For the reasons given I conclude that the appeal should succeed.

Mr S Rennie

INSPECTOR