



Appeal Decision

Site visit made on 18 July 2022

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

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/J9497/W/22/3293858

Welstor Farm, Ashburton, Newton Abbot TQ13 7HQ

- 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 Martin Bowden against the decision of Dartmoor National Park Authority.
 - The application Ref: 0359/21, dated 19 April 2021, was refused by notice dated 31 August 2021.
 - The development proposed is a change of use of land for siting of a mobile catering van.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There have been changes to the development plan since the Dartmoor National Park Authority (the DNPA) determined the planning application. The Dartmoor Local Plan 2018-2036 (the Local Plan) has now been adopted. This supersedes the policies in the DNPA Core Strategy (2008) and the Development Plan Management and Delivery Plan Document (2013). The DNPA and the Appellant have been provided with an opportunity to comment on the implications of these changes.

Main Issue

3. The main issue in this appeal is the effect of the proposed change of use on the character and appearance of surrounding area.

Reasons

4. The appeal site comprises an area of land in use as a carpark, situated in a remote and exposed location within the countryside of Dartmoor National Park. The appeal proposal seeks the change of use of land for the purposes of siting a mobile catering van within the carpark, for a stipulated number of days during the year and provides that the said catering van, and associated waste bin facility, would not be left on site overnight.
5. Paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks, as well as to the conservation and enhancement of wildlife in such areas.
6. Whilst I acknowledge that the proposal is small scale, the proposed change of use would result in the stationing of the mobile catering van in an exposed location with long range views over Dartmoor. The carpark is highly visible

form within the surrounding area and, whilst I note the Appellant's submissions, the mobile catering van and its associated waste bin facility would be incongruous within this setting, drawing the eye of visitors to Dartmoor away from the high quality landscape and scenic beauty of the National Park. Consequently, it cannot be said that the proposed change of use would result in the preservation or enhancement of this part of Dartmoor's tranquil, moorland landscape.

7. Notwithstanding the above, the Appellant has put it to me that the proposal would comply with Policy 5.1 of The Dartmoor Local Plan 2018-2036 (the Local Plan). Policy 5.1 of the Local Plan concerns non-residential business and tourism development and within the open countryside, amongst other matters, provides that such development would be acceptable where "the proposal and activity is small-scale, low impact and is focussed on improving opportunities for the quiet enjoyment and understanding of the National Park's Special Qualities".
8. Whilst I acknowledge that the proposal is small scale and would provide refreshments to visitors to the National Park, I do not find that it would improve the quiet enjoyment of the National Park's landscape and scenic beauty nor would improve opportunities with regards understanding those special qualities of Dartmoor.
9. For the above reasons, the appeal proposal would conflict with Policies 1.1, 1.2, 2.1, 2.4, 2.6 and 5.1 of the Local Plan which, amongst other matters, require proposals to conserve and enhance tranquillity, the landscape and scenic qualities of the National Park and its moorland.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
11. The Appellant has referred me to the siting of a catering van at the Haytor Visitor Centre. However as at the time of my site visit, it did not appear that that catering van was present at the Haytor Visitor Centre or within its associated car park. I have not been provided with any further details or evidence in that regard, and as such I have attributed very limited weight to that matter in the determination of this appeal.
12. I note that the site is a carpark and as such the catering van could make use of that facility in order to park throughout the day. However, the permitted change of use would run with the land, circumstances and ownership may change and, consequently, I attribute only limited weight to the permanent parking of the van at the carpark for personal use.
13. It is also acknowledged that the appeal proposal would provide some surveillance of the car park during the requested hours of operation at the site, and I consider that to be a benefit of the scheme. Nonetheless, whilst it is maintained that thefts from cars is a prominent issue, I have not been provided with any substantive evidence in that regard. As such I attach limited weight to the potential benefit arising from the additional surveillance provided by the proposal.
14. Whilst the above benefits of the scheme are acknowledged, cumulatively they attract only limited weight. In my view the benefits of the scheme would be

outweighed by the harm to the special qualities of the National Park as described above, to which I attach great weight in determination of this appeal and in accordance with the provisions of the Framework.

Other Matters

15. I acknowledge that the appeal scheme has support from a number of members of the public. However, whilst I have carefully considered all the submissions, those matters would not overcome the identified harm and conflict with the policies of the development plan as described above.
16. The DNPA's submitted appeal questionnaire indicated that it was considered that the appeal proposal would conflict with a number of other policies which comprise the development plan, as at the date the planning application was assessed and determined by the DNPA. As noted above, there have been changes to the development plan since the planning application was assessed and determined by the DNPA. In that regard the Appellant has been provided with the opportunity to comment on those changes which the DNPA have put to me would be relevant to the determination of this appeal.
17. However, given my above findings that the proposal would conflict with the policies of the Local Plan as identified above, and would thereby conflict with the development plan when taken as a whole, I have not therefore considered further the application of Policies 1.5, 1.7, 2.2, 2.7 or 4.2 of the Local Plan in respect of the proposal.

Conclusion

18. The appeal proposal would conflict with the development plan when taken as whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR