



Appeal Decision

Site visit made on 4 April 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Q1153/W/22/3309267

Land adjacent to Hayfield Road, Road from Townsend Farm to Waterhouse Farm Lane, Exbourne, Devon EX20 3SH.

- 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 & Mrs I & S Haithwaite against the decision of West Devon Borough Council.
 - The application Ref. 2927/21/FUL, dated 23 July 2021, was refused by notice dated 21 April 2022.
 - The development proposed is change of use of land and conversion of building to provide holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of holiday accommodation, with particular regard to whether the proposal would be sustainably located and contribute to and enhance the intrinsic character of the open countryside.

Reasons

3. The appeal site is located to the north of the village of Exbourne and forms part of a large field. The appeal proposal involves converting an existing single storey field shelter with hay barn to holiday accommodation and incorporating part of the large field within its curtilage, defined by a new planted hedge bank. An existing track and metal bar gate to Hayfield Road would be retained to provide access to the holiday accommodation and an area of existing concrete slab set aside for two parking spaces. Other than refurbishing the external cladding and roofing and inserting new glazed doors and windows to the field shelter, no other external works are proposed.
4. The remainder of the large field, which I understand is also owned by the Appellant but falls outside the appeal site, would remain as existing, albeit there is a suggestion that proposed guests would have access to it. The proposed internal layout would comprise a bedroom, shower room and combined kitchen and living space. The Appellant indicates that the accommodation could cater for 2-4 people (referred to as "2-4 birth" in their submitted Business Plan).

5. The Appellant is looking to offer luxury high end accommodation that would be suitable for guests wishing to bring their horses or dogs on holiday. Other than providing a high standard of internal accommodation, I am not convinced that the proposal would provide luxury accommodation as the level of facilities within the conversion appear fairly standard. In terms of horses, the Appellant suggests there would be scope for two, with the offer of a field shelter and horse washing area. For dogs, the offer could include a washing area. For cyclists, the Appellant indicates that a covered bike rack could be provided. However, none of these facilities are shown on the proposed layout and do not form, therefore, part of the appeal proposal.
6. Moreover, the Appellant indicates that the proposal would include an outside decking area, tables and chairs and a BBQ area. Again, none of these are shown on the proposed layout or form part of the appeal proposal. Whilst I accept that future development proposals on the site would be subject to planning control, in the usual manner, all of the above supports the concerns expressed by the Council that the approval of the proposed use would lead to pressure for other development.
7. The latter is important given the appeal sites location within the countryside; a fact that has not been challenged. There is, at present, no defined settlement boundary for Exbourne. Even so, as I observed on my site visit the appeal site is located outside the village and does not fall within its built-up area and neither is it located adjacent to or on the edge of the village. As such, paragraphs 84 c) and 174 b) of the National Planning Policy Framework (July 2021) (Framework) state that planning decisions should enable sustainable rural tourism that respects the character of the countryside and contributes to and enhances the local environment by recognising the intrinsic character and beauty of the countryside. All of the additional facilities referred to by the Appellant would result in development encroaching further into the countryside, which would neither respect nor enhance its intrinsic character or beauty.
8. A similar approach to the Framework is provided by policy TTV26 of the Plymouth & South Devon Joint Local Plan 2014-2034 (March 2019) (JLP) in that it sets out the considerations that will apply to new development in the countryside based on the objective of protecting its special characteristics and role. The policy is in two parts with part 1 applying to 'isolated development'. The appeal proposal does not fall within this definition as it is not 'remote' from the existing village. Turning to part 2, the appeal proposal would not involve the re-use of a traditional building (criteria ii) or respond to a proven agricultural, forestry or other occupational need that requires a countryside location (criteria iv).
9. In relation to criteria ii, I agree with the Council that this relates to traditional farmstead buildings, such as barns and other locally distinctive buildings of heritage or historical value. In this particular case, the appeal building was granted planning permission in September 2002 specifically for a field shelter with hay barn. Whilst I have not been provided with a copy of this permission, I have assumed it was granted to allow the land to be used for the keeping of horses, albeit it is unclear whether the building was restricted to that purpose only or whether any other restrictions apply.
10. In light of the above, the appeal proposal would conflict with policy TTV26.

11. Turning to policy DEV15 of the JLP, this seeks to give support to proposals in suitable locations that improve the balance of jobs within rural areas and diversify the rural economy. Part 7 states that camping, caravan and chalet or similar facilities that respond to an identified local need will be supported, subject to other considerations (I note that the reference to tourist facilities in part 7 distinguishes this type of use from the more traditional employment uses and business start-ups that are dealt under parts 1-4 (inclusive) of the policy). There is no substantial evidence before me to demonstrate that the proposed holiday accommodation would meet an identified local need. There is nothing in the Appellant's Business Plan that would amount to the detailed evidence required, for example, published surveys or assessments of the demand and supply of local holiday accommodation, to support the contention that the proposal would respond to an identified need.
12. Part 8 of policy DEV15 also requires development proposals to meet a number of other criteria, including avoiding a significant increase in the number of trips by private car and facilitating the use of sustainable transport. Whilst I have had regard to the positive measures set out in the Appellant's Sustainable Travel Plan, the basis behind policy DEV15 is that support will be given for proposals in 'suitable locations'.
13. As I observed on site Hayfield Road, which leads to the village from the appeal site, comprises a very narrow lane. There is no pedestrian refuge or lighting until you enter the outskirts of the village and at the time of my visit there was standing water and mud on parts of the lane (I appreciate that this is not the case all year round). All of these factors, combined with the distance, would discourage guests from walking and I consider it highly likely, therefore, that a large proportion of trips to the village pub/shop would be undertaken by car. Moreover, for the proposed use to be sustainable it should be easily and safely accessible to these facilities, particularly on foot, at any time of the day or night and whatever the weather, which the proposal would not be.
14. Furthermore, the level of facilities within the village is limited and whilst the shop may cater for day-to-day needs, holiday guests would still be reliant on the larger towns to access a main food shop or for other specialist non-food goods, as well as when seeking alternative places to eat out. Again, the majority of those trips are likely to be made by private car. In addition, the proposed accommodation could potentially cater for up to four people and two cars, with change overs requiring either the Appellant or an employee to drive to the appeal site, together with regular maintenance visits which in order to transport equipment would also be undertaken by private car.
15. It is also common for holiday accommodation to generate other trips, for example, from home deliveries of food or other goods that guests may require during their stay. Whilst the Appellant also refers to the potential to let the accommodation on a weekly basis, it is again now very common for short stay breaks of even two days to be offered. Combined, the proposal could generate, therefore, a significant number of trips compared to existing.
16. Although the Appellant indicates that there are bus stops on the southern side of Exbourne, these are located a significant distance from the appeal site and are certainly not within a reasonable walking distance. The Council also indicate that they offer limited services. The ability to cycle locally is unlikely to offset the number of vehicle trips that the proposal could generate.

17. For all the above reasons, I find that the appeal site is not within a sustainable or 'suitable location' and would conflict with policy DEV15.
18. Further support for these findings is provided by policies SPT1, SPT2, TTV1 and TTV25 of the JLP which, amongst other requirements, seek to: promote sustainable development within rural communities; identify Exbourne as a 'Sustainable Village' where only limited growth will be supported to meet locally identified needs; and include the requirement for up to 30 new dwellings within Exbourne in the period to 2034 to meet locally identified needs on sites promoted through the adoption of a Neighbourhood Plan. The clear emphasis is on promoting, within Exbourne, small scale sustainable housing development to meet identified local needs through a Neighbourhood Plan and it is notable that the policies make no provision for new employment floorspace.
19. Whilst I accept that policy DEV15 of the JLP seeks to support new jobs and to diversify the rural economy, it is unclear from the Appellant's submission what, if any, new employment the proposal would secure, with the suggestion that the Appellant might manage and maintain the holiday let themselves or possibly employ a local person. I do accept that the proposal could provide support for the pub and shop in Exbourne, but there is no guarantee that those benefits would accrue. I have, therefore, only attached limited weight to these benefits and they are not sufficient to outweigh the significant harm that I have identified or the conflict with the development plan, when read as a whole.
20. Reference has been made to examples of tourism development granted elsewhere, either by the Council or on appeal and to new development permitted on the outskirts of Okehampton, which the Appellant contends provide support for the appeal proposal. However, I have not been provided with copies of any decisions or details of the planning background and it is not possible for me to reach any findings on whether the circumstances that arose in these examples are similar to those raised by the appeal proposal and whether they are, therefore, in any way comparable. Consequently, none of these examples has affected my findings on this issue.
21. The Appellant has also referred to the fact that the Highway Authority did not object to the proposal. However, their response is not surprising given that the Highway Authority's role is principally to ensure safe access to the highway and that there is sufficient space on site for car parking and turning. Whether a proposal is sustainable and located in a 'suitable location' is principally, in my view, a matter of planning judgement, based on the individual circumstances of the case, experience and the application of the relevant planning policies.
22. Accordingly, I find that that appeal proposal would be contrary to policies SPT1, SPT2, TTV1, TTV25, TTV26 and DEV15 of the JLP, and the corresponding policies of the Framework.

Conclusions

23. For the reasons given above and having taken all other matters raised into account I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR