



Appeal Decision

Site visit made on 20 March 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/K1128/W/22/3301763

Morecombe Down, Lane to Morecombe Farm, The Mounts, East Allington TQ9 7QJ

- 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 Edwin Harvey of AM, KM & EN Harvey against the decision of South Hams District Council.
 - The application Ref 1283/21/FUL, dated 5 April 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the change of use of land from agricultural to allow the siting of two geodesic glamping domes and accompanying toilet/shower unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the proposed development would be suitable having regard to the local need for tourism accommodation and its accessibility to shops and services; and
 - the effect of the proposed development on biodiversity.

Reasons

Location

3. The appeal site comprises a small area of an agricultural field that forms part of the wider landholding of Morecombe Down. Located adjacent to an existing agricultural shed and an agricultural dwelling, the appeal site is accessed via a track connecting to the single carriageway width lane which leads to Morecombe Farm. No other properties or buildings are accessed off these routes, beyond this junction.
4. Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) sets out the Council's strategy for delivering sustainable development. Concerning sustainable rural communities, Policy SPT2 provides further detail on how this can be delivered including through being well-served by public transport, walking, and cycling opportunities. Policy TTV1 seeks to prioritise growth through a hierarchy of sustainable settlements, permitting development only if it can be demonstrated to support the principles of policies SPT1 and SPT2. With specific reference to sustainable rural communities, Policy TTV2 supports the development and diversification of agricultural business and

the delivery of sustainable rural tourism that benefits rural businesses, and communities, amongst other things. In addition, Policy DEV15 supports the provision of camping, caravan, chalet, or similar facilities that, of specific relevance to the appeal site, respond to an identified local need and are compatible with the rural road network.

5. The proposed development comprises the change of use of the appeal site to tourism accommodation in the form of two glamping domes, with an occupancy of two people per dome, and toilet/shower units. During my site visit, I observed the platforms, drainage, and utility connections for the domes in place, although the domes themselves and the toilet/shower units had been removed. Whilst my attention has been drawn to the fact that the glamping domes were in operation during the 2021 tourist season, in accordance with permitted development rights¹, limited substantive evidence has been provided confirming the occupancy rates during this period.
6. In a similar way to another Inspector's² conclusion, the limited information before me regarding the existence and availability, or otherwise, of local tourist accommodation or details concerning what the proposed development offers that are unrepresented locally, does not provide clear evidence of local need. Although reference is made to the nearby existing caravan business known as Morecombe Farm Caravan Holidays and the Mounts Farm Touring Park, limited detail of these uses has been provided. Notwithstanding the ability for the domes to be occupied for 28 days of the year under permitted development rights, I am therefore unable to conclude that there is a demand for this type of tourist accommodation or that a proven local need has been demonstrated.
7. Policy DEV15 also stipulates that development proposals should avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling. Policy DEV29 supports this by promoting sustainable transport choices.
8. The nearest settlement of East Allington is less than 2km away from the appeal site and includes a small village shop, a public house, and a children's playground. Whilst guests of the proposed development could theoretically walk or cycle to East Allington, as the routes are largely unlit and devoid of pavements, they would not be particularly appealing to all guests and, in some places, unsafe. Even if a welcome pack is provided to guests on arrival and details of walking and cycling routes are placed on the booking website, this would not be sufficient to overcome these aspects.
9. Based on the evidence before me, a bus service operates along the A381 between Salcombe, Kingsbridge, and Totnes and I observed a bus stop close to the access lane leading to the appeal site, and therefore a shorter walking distance for guests than East Allington. Given the reasonably frequent service on this route, guests would have the opportunity to access a wider range of shops and services following a short bus journey.
10. The appeal site's rural location will limit travel by alternative modes to private vehicles and the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, given the nature of the type

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

² APP/K1128/W/20/3260220

of accommodation proposed, some guests may be walkers or cyclists, and may not arrive by private vehicle. However, parking is proposed as part of the appeal scheme which would not necessarily discourage the use of private vehicles by guests. Additionally, despite a Sustainable Transport Plan submitted with the appeal application indicating that bicycles will be provided free of charge, guests would be under no obligation to use them, nor arrive in a suitable vehicle to benefit from any electric charging point provided in the future. Nevertheless, given the scale of the proposed development, even if guests would be heavily reliant on vehicular transport to visit services, facilities, and attractions, in my view, this would not lead to a significant increase in the number of trips by private car.

11. Whilst I have found that the proposed development would not lead to a significant increase in the number of trips by private car, the local need for additional tourist accommodation in this location has not been satisfactorily demonstrated. As there are no exceptions or identified policies that would permit additional tourist accommodation in this location, the appeal site would not be a suitable location for such development. It would therefore conflict with Policies SPT1, SPT2, TTV1, TTV2, DEV15, and DEV29 of the Local Plan. I attribute significant harm to this conflict. These policies, amongst other provisions, seek to deliver sustainable development within sustainable rural communities, whilst supporting farm diversification and rural tourism. It would also be contrary to the Joint Local Plan Supplementary Planning Document (the SPD) which amplifies and gives guidance on the implementation of the policies of the Local Plan.
12. Additionally, I find conflict with paragraph 84 of the Framework insofar as it requires decisions to enable sustainable rural tourism and sustainable growth of businesses in rural areas. Although the Framework is supportive of farm diversification and rural tourism overall to deliver a prosperous rural economy, I have not been persuaded that there is a demonstrable local need to enable the principles of sustainable tourism or business growth to be met.
13. The Council also refers to Policy DEV32 of the Local Plan in the decision notice which concerns the delivery of a low carbon development. However, as I have found that the proposed development would not lead to a significant increase in the number of trips by private car and the operation of the proposed glamping domes would be restricted from May to September each year, I do not consider that the outcomes sought within Policy DEV32 would be undermined, should I be minded to allow the appeal.

Biodiversity

14. Policy DEV26 of the Local Plan states that development should support the protection, conservation, enhancement, and restoration of biodiversity and sets out several specific provisions to do this, including the achievement of net gains in biodiversity. Whilst this policy seeks a biodiversity net gain from all major development, the SPD encourages minor development to enhance biodiversity through the submission of an Ecological Opportunities Plan (ECOP) and Biodiversity Budget (BB). Paragraph 184 of the Framework also lists the objectives of the planning system, including minimising impacts on, and providing net gains in, biodiversity.
15. Although not referred to as an ECOP, a Landscape Block Plan has been submitted with the appeal indicating the location of a significant number of

trees close to the appeal site. This would support the requirement of Policy DEV26 which seeks enhancements for wildlife, where appropriate, from all scales of development. Consequently, despite the absence of an ECOP or BB, I conclude that the proposed development would support the protection of the biodiversity of the area, in accordance with Policy DEV26 of the Local Plan.

Other Matters

16. My attention has been drawn to a planning permission for three glamping pods recently approved by the Council³. However, I have limited information before me relating to the site associated with this planning permission, the details submitted with the planning application, and the circumstances in place at the time of the Council's decision. Any comparison, therefore, attracts little weight in my determination of the appeal.
17. Whilst I acknowledge that no objections were received during the determination of the appeal application, including from the Parish Council and the Council's Landscape Officer, this does not mean that otherwise unacceptable development should be permitted.

Planning Balance and Conclusion

18. Whilst I have concluded that the proposed development would support the protection of the biodiversity of the area, this is a neutral factor.
19. The proposed development would provide economic benefits through the diversification of an existing farm enterprise and aid in its long-term viability. The additional tourist accommodation would also contribute economic benefits to the tourism industry and support local shops and services. These aspects are supported by both national and local policy but given the scale and seasonal operation of the proposed development, I am only able to give them modest weight. Consequently, they do not outweigh the significant harm I have found with regard to the suitability of its location, in the absence of a demonstrable local need.
20. For the reasons above, having regard to the development plan as a whole, and all other relevant material considerations, the appeal is dismissed.

Juliet Rogers

INSPECTOR

³ Planning application ref: 1972/21/FUL