



Appeal Decision

Site visit made on 6 March 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/J9497/W/22/3309696

The Paddocks, Road past Taw River Inn, Sticklepath, Devon EX20 2NT

- 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 and Mrs Mark and Alison Adams against the decision of Dartmoor National Park Authority.
 - The application Ref 0240/22, dated 7 June 2022, was refused by notice dated 5 September 2022.
 - The development proposed is change of use of residential annex to holiday let unit.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of residential annex to holiday let unit at The Paddocks, Road past Taw River Inn, Sticklepath, Devon, EX20 2NT in accordance with the terms of the application, Ref 0240/22, dated 7 June 2022, 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 location and block plans, validated by the Council on 27th June 2022.
 - 3) No person, couple, family or other group or individual shall occupy the Holiday Let on the land (as set out on the site location plan hereby approved) for a single period or cumulative periods exceeding 28 days in any calendar year. An up-to-date register of the names and addresses of all occupiers of the Holiday Let shall be maintained and made available to the Local Planning Authority on request. This will be used for monitoring of the planning permission only and will not be made available to third parties.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities.

Reasons

3. The well-screened site is located within the grounds of a property that forms a small cluster of dwellings on the periphery of the rural settlements of South Zeal and Sticklepath, which both provide tourist services including shops and pubs. The close proximity of surrounding properties beyond the site and the connecting footpaths, street lighting and bus stop contribute towards the sense of this being an active residential area. Consequently, the site displays characteristics of a location that is visually read as adjoining the village environs, rather than being

separated from it and part of the open countryside. Safe and well-lit pedestrian access is available from the site to Sticklepath and a quiet lane connects to South Zeal. At my visit, I noted that the nearby bus stop provides a regular service to Exeter which reflects the appellant's submitted timetables.

4. The overall purpose of the Dartmoor Local Plan 2018-2036 (DLP) is set out in Strategic Policy (SP)1.1 which seeks to protect the National Park's (NP) special qualities whilst meeting the needs of its communities. Its settlement strategy focusses most development on the local centres and rural settlements where development can maintain and enhance a range of services and facilities which serve the settlement. SP1.2 sets out a positive approach to development that, amongst other things, directs it to where it minimises the need to travel and prioritises the use of previously developed land and buildings.
5. The economic strategy promotes tourism within and adjoining rural settlements where they would be of an appropriate scale and use. Policy (P)5.5 says that in the countryside, short-stay tourist accommodation will only be permitted where it is well related to tourist services and provided through the conversion of suitable redundant historic buildings, which are further defined within SP2.8. Although not having the force of policy, the supporting text nevertheless highlights the significant contribution that non-serviced tourist accommodation makes to the tourist economy on Dartmoor. In respect of the rural economy paragraph 84 of the National Planning Policy Framework (the Framework) says, amongst other things, that decisions should enable the sustainable growth and expansion of all types of business in rural areas, through conversion of existing buildings, and sustainable rural tourism developments which respect the character of the countryside.
6. The site may not be within any defined settlement boundary and does not propose the conversion of a redundant historic building, which would therefore conflict with P5.5. However, there will inevitably be circumstances where local plan policies pull in different directions, and it is important to consider the development plan when taken as a whole.
7. Accordingly, the proposal would make use of an existing building and deliver a very small and therefore, appropriately scaled tourism development in accordance with the economic strategy. Furthermore, it would provide potential occupiers with good access by foot, bicycle or bus to a range of nearby tourist services. As such, the proposal would maintain the economic health of nearby communities and allow for greater opportunities for those tourists to understand and enjoy the special qualities of the NP which the aforementioned spatial and economic strategies and policies positively promote. Additionally, the proposal would not result in any external alterations to the building and consequently, it would protect the character of Dartmoor's landscape.
8. Therefore, I conclude on the main issue that the site is a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities. The proposed development would conflict with P5.5 of the DLP, though for the above reasons I have given this conflict limited weight. There would be no conflict with SP1.1 and SP1.2 or with SP2.1 which seeks to conserve and enhance the character of the Dartmoor landscape. I afford substantial weight to the conformity of the proposal to these policies that are significantly in its favour. There would also be no conflict with the English National Parks and the Broads UK Government Vision and Circular 2010 or chapters 6 and 15 of the Framework which, amongst other things, promote sustainable tourism which respects the character of the countryside where great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

9. Additionally, there would be no conflict with SP2.8 as this relates to the conservation of historic non-residential buildings in the open countryside which is not relevant to the proposal.

Other Matters

10. I have taken into account representations about the planning history, potential future uses, and the proximity of a nearby stream but these are matters that do not affect my findings on the main issue. The existing use of the building permits a residential activity and therefore the proposed use for a single bed holiday let would be unlikely to generate additional harmful effects relating to fire risk, noise or privacy. Furthermore, I have not been provided with any substantive evidence to suggest the proposal would be unacceptable in respect of these matters.
11. In relation to property values, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.
12. I have also had regard to the contention that the access of the appeal site has been shown inaccurately on the submitted plans and includes land not within the ownership of the appellant. However, no detailed or definitive evidence has been submitted to support this contention and so I have no substantive evidence upon which to base my decision other than in accordance with the submitted plans and details.
13. The Council refers to the great weight afforded to its policies within its Development Management and Delivery Development Plan Document, though none have been provided in support of this appeal.

Conditions

14. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). I have made such amendments and omissions as necessary to comply with those documents.
15. I have imposed a plans condition in the interests of clarity. A separate condition requiring compliance with parking is not required as this is clarified on those plans, and at my visit I observed there to be generous space available for a number of vehicles. I have imposed an occupancy condition in order to support the tourism industry and to prevent occupation as a permanent home.
16. The PPG and paragraph 54 of the Framework indicate that conditions should not be used to restrict national Permitted Development rights unless there is clear justification to do so. Accordingly, whilst the building is within the NP there is no substantive evidence to suggest the removal of these rights is reasonable or necessary.

Conclusion

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

J Hills

INSPECTOR