



Appeal Decision

Site visit made on 25 April 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2023.

Appeal Ref: APP/K1128/W/22/3307997

Ludbrook Manor, Lane to Ludbrook Manor, Ivybridge, Devon PL21 0LJ

- 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 E Kelly against the decision of South Hams District Council.
 - The application Ref 0945/22/FUL, dated 11 March 2022, was refused by notice dated 13 June 2022.
 - The development proposed is Change of use from residential with ancillary offices and holiday annex use to a mixed use of residential with ancillary offices and holiday plus occasional event venue (max 10 events per calendar annum).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - whether the appeal site is an appropriate location for an event venue, with particular regard to the local development strategy and travel considerations; and
 - the effect of the proposal on the foul sewage system.

Reasons

Appropriate location

3. The appeal site is in the countryside and is not subject to any statutory designations. Ermington and Modbury are the closest settlements with a range of services and facilities.
4. Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (Adopted 2019) (JLP) sets out the hierarchy of settlements for the distribution of growth and development. Modbury is identified as a Smaller Town with Ermington identified as a Sustainable Village. However, as the site is some distance from these settlements, it is subject to Policy TTV1.4 of the JLP that relates to smaller villages, the hamlets and the countryside. It states that development in these areas will only be permitted where it can be demonstrated to support the principles of sustainable development and sustainable communities in accordance with Policies SPT1 and SPT2 of the JLP and as provided in Policy TTV26 of the JLP.
5. Policy TTV26 seeks to protect the special characteristics and role of the countryside. It only permits isolated development in exceptional circumstances.

I note that the appellant states that the proposal complies with the policy as the building is no longer needed or useful. However, the appellant also states that it is not entirely redundant. Even if it were redundant or disused, Policy TTV26.2 states that development proposals should respond to a proven agricultural, forestry or other occupational need that requires a countryside location. The proposal is not for an agricultural, forestry or other occupational need and little evidence has been provided to demonstrate that the proposal needs a countryside location.

6. The proposal would provide a small business and small-scale employment in a rural area in accordance with Policy DEV15 of the JLP. However, in light of the size of the event building, it could accommodate a considerable number of people and the site is in an isolated location. Due to the distance to the nearest settlements, the local topography and lack of footways and lighting, the roads to these settlements are not conducive to walking or cycling and there is no public transport serving the site. Therefore, even if some visitors were to stay at the existing residential accommodation on the site and acknowledging that the proposal is for a maximum of 10 events per annum, visitors to the appeal proposal would be reliant on private vehicles.
7. To seek to address this and the requirements of Policies DEV15 of the JLP, the appeal is supported by a Sustainable Travel Plan (STP). In accordance with Policies DEV15 and DEV29, the STP seeks to demonstrate how traffic impacts have been considered and mitigated to avoid a significant increase in the number of trips requiring the private car and provide sustainable transport choices. Whilst I recognise the aims of the STP in seeking to reduce the use of vehicles through car-sharing, and benefits from EV charging points, the STP acknowledges that the location is poor for alternatives to motor vehicles. It also states that there are no viable public transport, cycling or pedestrian options, and that with irregular staffing, suppliers and guests resulting in a number of one-off journeys, changing travel patterns away from the use of the vehicle would be difficult. I have no reason to disagree with this.
8. Moreover, the STP targets for reducing journeys are ambiguous and unambitious as they could be complied with through the reduction in the use of only one less vehicle. This would not adequately address the likely high reliance on travel by vehicle. The STP also lacks any demonstrable measures detailing how the targets would be achieved with no further method of mitigation or approach detailed in the event that the targets are not achieved.
9. In light of the temporary and casual nature of the staff, there is also little evidence submitted demonstrating how the proposal would improve the balance of jobs or diversity in the area as required by Policy DE15 of the JLP.
10. The appellant indicates that the National Planning Policy Framework (the Framework) requires that a balance should be applied to decision making to assess sustainability. The appellant also states that most journeys in the area are already carried out by motor vehicle given its rural character. Whilst this may be the case, and the Framework is a key material consideration, the adopted development plan forms the primary policy consideration. It has plan-specific expectations on the location of new development and how to minimise and reduce existing unsustainable travel patterns to deliver a more sustainable future. These aims and related policies are consistent with the Framework that seeks to promote sustainable transport opportunities and guide development

towards sustainable solutions. The JLP policies therefore carry significant weight.

11. I acknowledge that there is no objection to the proposal from the County Highway Authority, and that there are suitable access points off the highway and provision for on-site parking. However, these matters are neutral in my consideration.
12. In light of the above, I conclude that the appeal site is not an appropriate location for an event venue with particular regard to the local development strategy. As a result, the proposal is contrary to Policies SPT1, SPT2, TTV1 TTV26, DEV15 and DEV29 of the JLP and the Framework.

Foul sewage

13. The appeal has been accompanied by a Foul Drainage Assessment. This details the existing foul drainage details and calculates the likely required foul drainage and treatment resulting from the proposal. The report provides an assessment of foul drainage at the property in respect of the proposed scheme and sets out foul drainage measures which would be necessary to hold events.
14. In light of the Foul Drainage Assessment and given that its findings could be secured and controlled by condition should I be minded to allow the appeal, the proposal adequately demonstrates that foul sewerage at the site could be suitably provided for. It is noteworthy that the Council have not raised any concerns in relation to the report and its findings.
15. For the above reasons, I conclude that the proposal would result in an acceptable impact on the foul sewage system. As such, it would comply with Policy DEV35 of the JLP, which, amongst other things, states that development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate the new development.

Other Matters

16. I have taken into account that the proposal would provide employment for the appellants' children, is located a considerable distance to nearest neighbouring dwellings and that there would be no external lighting, fireworks, or music played outside. I have also taken into consideration that it would derive additional income for the property and that the number of guests and events could be controlled by condition. Furthermore, I have had regard to the availability of permitted development rights, some wider economic and social benefits, benefit from the re-use of an existing building and lack of any harm to the character and appearance of the area. However, these matters do not outweigh the harm I have identified above.
17. Reference has been made to similar large country houses in Devon benefitting from planning permission for use as rural venues and to another appeal decision (Ref: APP/K1128/W/21/3269800). However, I have very little information about the appeal and in respect of the other country houses to lead me to a different conclusion. I have therefore determined the appeal on its merits.

Conclusion

18. In conclusion, the appeal site is not an appropriate location for an event venue with particular regard to the local development strategy and travel considerations. In my view, that is the prevailing consideration. Although I have found no harm in terms of foul sewage, the proposal should be regarded as being in conflict with the development plan, when read as a whole.
19. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR