



Appeal Decision

Site visit made on 26 May 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/Q1153/W/23/3314365

The Apple Loft, Old Orchard House, Road from Denham Bridge to Winsbeer Cottages, Yelverton PL20 6ET

- 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 A Wates against the decision of West Devon Borough Council.
 - The application Ref 1566/22/FUL, dated 20 April 2022, was refused by notice dated 29 July 2022.
 - The development proposed is change of use of existing annexe to mixed use of annexe and holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing annexe to mixed use of annexe and holiday let at The Apple Loft, Old Orchard House, Road from Denham Bridge to Winsbeer Cottages, Yelverton, PL20 6ET, in accordance with the terms of the application, Ref 1566/22/FUL, dated 20 April 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the location of the proposal would accord with local and national policies that guides the location of new tourism facilities and minimise dependency on the private vehicle; and
 - the effects of the proposal on the character and appearance of the area, including whether it would conserve the Tamar Valley Area of Outstanding Natural Beauty (AONB).

Reasons

Location – rural tourism development

3. The proposal seeks to enable the existing annexe to be put into a mixed use as either an annexe (as at present) or as a holiday letting unit. The annexe occupies the first floor of a substantially built building which has domestic storage uses on the ground floor. The building is tucked behind and detached from the house, though still in close proximity of the same. It has an open plan kitchen/dining/living space, double bedroom, separate bathroom and small balcony on one side overlooking the garden of the host dwelling.
4. The site lies in a rural position a short distance from the village of Buckland Monochorum. Buckland Monochorum has a limited number of facilities,

including a public house, places of worship and part-time post office facilities. Larger settlements with a greater range of facilities, such as Yelverton, are around 5km or more from the site.

5. In planning policy terms, overarching Policy SPT1 of the *Plymouth and South West Devon Joint Local Plan* (2019) (JLP) seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the environment. It specifies a number of ways in which it seeks to do so, but access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.
6. The appeal site is within the Thriving Towns and Villages Area (TTVA) and is in the fourth tier category of Policy TTV1 which relates to the 'Smaller villages, Hamlets and the Countryside', where "*development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2)...*". The aims of Policy SPT1 are detailed above. Policy SPT2 is principally concerned with the creation of sustainable resident communities and is therefore not relevant to tourism.
7. In relation to holiday or tourism development, JLP Policy TTV2 sets out that development proposals in the TTVA will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. Its specific rural sustainability objectives include the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements.
8. Policy TTV26 concerns isolated development in the countryside, which due to the adjacency with the main house and relatively close proximity to other neighbouring dwellings and the settlement, does not appear relevant to the proposal under consideration.
9. JLP Policy DEV15 (7) specifies that in respect of rural tourism, "*the loss of a tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area*". These two sentences operate independently and so the requirement for an identified local need would apply if the proposal were considered to be a similar form of tourism facility to a camping or caravan site or chalet accommodation.
10. In my view, despite its rural setting, given the robust nature of the structure and its setting within an established domestic curtilage as opposed to a purposely created setting, the single unit of tourism accommodation would not be similar to either a chalet or caravan. Whilst the Appellants have offered evidence to suggest that one bed tourism accommodation is in relatively short supply locally, I do not consider that a local need needs to be demonstrated as this limb of the Policy is not strictly relevant to the proposal.
11. In terms of the pattern of travel that would be generated, I envisage some degree of reliance on private vehicles. Whilst the evidence suggests this would be in the region of two trips a day, there is an absence of evidence to support

such an assertion. It is unlikely that walking or cycling would be the preferred modes of choice from the appeal site, but either would be possible for leisure trips into the village or to more local attractions. The local bus service is also a walkable distance of around five minutes from the appeal site and accesses a range of destinations that may be of interest to tourists.

12. The Travel Plan submitted with the appeal to address the requirements of JLP Policy DEV29 includes details about the management and occupation of the unit. The Appellant intends to manage the unit which will avoid the need for staff to visit to undertake changeovers. Bicycles would be provided for guest use and bus service information would also be made available to them. In addition, an electric vehicle charging point would be provided. These measures could be secured by condition.
13. The continued use of the annexe by an extended family member could be expected to sustain some trips by said occupant/s to or from either their place of work, education or for leisure purposes. However, on balance, I consider that a holiday use would still generate a higher number of movements and despite measures that could be secured by condition, I consider that there would be a degree of conflict with the policies that seek to guide the location of new tourism facilities and minimise dependency on the private vehicle, contrary to, in particular, JLP Policies SPT1, SPT2, TTV1 and TTV2.

Character and appearance

14. The annexe has existed in its existing form for a substantial period and is nestled largely behind the host dwelling in a secluded, woodland valley, accessed via an unmade track and out of general view from public roads and rights of way. It sits within an established curtilage, with many trees and planted areas enclosing the main garden spaces which have an amount of domestic paraphernalia dotted around, including, but not limited to, a hot tub, washing line and raised planters.
15. The building itself exists and no external changes are proposed to the building fabric or external area to facilitate the proposed use. The amount of domestic paraphernalia could intensify to a degree with a holiday use as opposed to an annexe, as the occupants would be less likely to share those belonging to the occupants of the host dwelling. However, I consider the likelihood of this and its effects on the appearance of the area would be generally imperceptible.
16. Therefore, in my view, the proposal would not harm the character or appearance of the area and would conserve the Tamar Valley AONB in accordance with Policy DEV25 of the JPL. This Policy seeks to ensure that great weight is given to conserving landscape and scenic beauty in the protected landscapes. The proposal is also consistent with the expectations of paragraphs 84 and 176 of the Framework, as a rural tourism development that would respect the character of the countryside and AONB landscape.

Other Matters

17. The appellant's evidence also refers to the potential occupation of the annexe by a full-time carer to be employed on site. On the basis that occupancy by a carer would be linked with the main house, I do not find a reason to reach an alternative conclusion.

18. I have been provided with a copy of a Section 52 planning obligation, dated 18 March 1985, which restricts the occupancy of the annexe and ties its ownership to the same as that of the host dwelling. A breach of such an obligation could occur unless it were varied, though this is not the nature of the proposal before me and is a matter for resolution between the parties. The retention of the tie between the two planning units would appear to serve an ongoing planning purpose given the nature of the relationship between the two, which, in my view, dictates that the occupants of the dwelling should retain ownership of both, rather than for them to be owned separately.

Planning balance

19. If used for tourism accommodation purposes, the location of the unit would facilitate a modestly greater use of private vehicles which results in a degree of conflict with the objectives of the development plan to promote sustainability and minimise dependency on private vehicles. On balance, this would render the scheme in conflict with the development plan when taken as a whole.
20. In terms of the benefits of the scheme, the proposal would make use of an existing little-used building which has existed for a considerable period. The mixed use could occur without the need for adaptation or harm to the character or appearance of the area. If used as a unit of tourism accommodation, the proposal would also generate economic benefits and either direct or indirect employment opportunities, and sustainable modes of travel are available and would be promoted to guests. I attribute these aspects great weight.
21. In my view, the sum of the public benefits and other considerations in this case attract such weight that they indicate that permission should be granted other than in strict accordance with the development plan.

Conditions

22. A statutory time limit condition is necessary, along with a condition specifying the approved plans in the interests of certainty. A condition is also necessary specifying the permitted uses of the building, although no stipulation shall be applied in relation to permissible durations of such.
23. In order to accord with JLP Policy DEV29, a condition is necessary requiring an electric vehicle charging point to be provided. Similarly, accordance with the submitted travel plan is required to promote sustainable travel modes.
24. A number of other conditions were suggested in connection with landscaping, contamination, surface water and foul drainage, biodiversity enhancement measures and visibility splays. As the building is in existence and is capable of functioning for a similar residential use already, they are unnecessary.

Conclusions

25. For the foregoing reasons, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with the following approved plans:
 - drawing numbers Block Plan, received on the 08/06/2022;
 - Site Plan Rev B, received on the 01/06/2022;
 - Site Plan, Scale 1:500;
 - Elevations and Floor Plans, both received on the 25/05/2022.
3. The development hereby approved shall only be used as either an annexe to the host dwelling, Orchard House, or as a unit of holiday accommodation.
4. Full written and illustrative details of the type and location of an Electric Vehicle Charging Point (EVCP) shall be submitted to and approved in writing by the local planning authority.

The EVCP shall then be installed prior to the first occupation of the unit as a holiday let and thereafter shall then be maintained and kept in good working order as specified by the manufacturer.

5. The measures in the approved Sustainable Travel Plan shall be implemented throughout occupation of the unit by holiday guests.