



Appeal Decision

Site visit made on 1 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/Q1153/W/22/3312197

Morwell Down Bungalow, Morwell, Tavistock PL19 8JH

- 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 D Helcoop against the decision of West Devon Borough Council.
 - The application Ref 1347/22/FUL, dated 11 April 2022, was refused by notice dated 22 September 2022.
 - The development proposed is the erection of holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A similar development to that now proposed was dismissed at appeal¹ in October 2021. That Inspector found that the proposed holiday let building would have an acceptable impact on the character and appearance of the area within this part of the Tamar Valley Area of Outstanding Natural Beauty (AONB). However, he was not satisfied that the site provided a suitable location for the proposed holiday accommodation, based on the planning policies and evidence before him.
3. This proposal includes further and more detailed evidence to seek to demonstrate that the proposed location for the holiday let would address the issues that the previous Inspector raised and would be a suitable and policy compliant location. I have had full regard to the previous Inspector's analysis and conclusions, but I have also considered this scheme based on its merits and the latest and more detailed information before me.
4. At the final comments stage, the appellant submitted a recent appeal decision that it was argued supported the case for approval. I gave the opportunity for the Council to comment. The Council sought to rebut the findings of this appeal decision with other earlier appeal decisions that it said supported its approach. As this was evidence that the appellant had not seen I gave a further opportunity for the appellant to comment. I have received and taken into account the response from the appellant on these matters.
5. I am satisfied that all parties have had the opportunity to comment, if they wished, on all the information before me and, therefore, there is no prejudice considering these matters as part of my decision.

¹ APP/Q1153/W/21/3274316

Main Issues

6. The main issues are:

- whether or not the site would provide a suitable location for the proposed holiday let use, and
- whether or not the proposal would incorporate satisfactory on-site low carbon or renewable energy systems.

Reasons

Planning policies

7. Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019) (the Local Plan) sets out the guiding principles to deliver sustainable development across the plan area, incorporating growth and change that incorporates a sustainable economy, a sustainable society and a sustainable environment.
8. Policy SPT2 of the Local Plan provides more guidance applying the principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the plan area. The policy explains that development should support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other criteria, includes that they are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
9. The Local Plan approach to sustainable development is explained in further detail in Policy TTV1 for the Thriving Towns and Villages parts of the plan area. This aims to prioritise growth through a hierarchy of sustainable settlements and in the smaller villages, hamlets and the countryside, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 of the Local Plan indicates that the specific objectives of rural sustainability include the delivery of sustainable rural tourism that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.
10. Policy DEV15 of the Local Plan sets out the policy approach to supporting the rural economy and that support will be given to proposals in suitable locations which seek to improve the balance of jobs within rural areas and diversify the rural economy. In particular, the policy explains that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, including that the proposal is compatible with the rural road network and has no adverse environmental impact. The policy also requires 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, where appropriate.
11. The National Planning Policy Framework (the Framework) also provides policies that are relevant to this appeal. This includes the approach to supporting a prosperous rural economy with the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. In terms of promoting sustainable transport the Framework advises that the planning system should actively

manage patterns of growth in support of objectives including that opportunities to promote walking, cycling and public transport use are identified and pursued. The Framework comments that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

Location

12. The site is located in a reasonably remote rural location outside any defined towns or villages. There is the adjoining dwelling and another under construction, and in the wider area a scattering of other properties. The site fronts onto the nearby road, which is fairly straight and without footways.
13. In terms of walking to and from the site itself, in my view, the site provides reasonably poor access to the local footpath network with it being necessary, to access the closer route identified in the submissions, to walk along the road to the cross roads to link to the public rights of way network. This would then lead to a connection to the routes of the Tamar Trails and the evidence indicates that it would take about an hour of walking to get to the Tamar Trails Centre. The walk from the site up to the cross roads, along a road without footways and what appears at times to be reasonably fast moving traffic, would not be an attractive proposition for many. Consequently, I am not satisfied that the site would be likely to be chosen as suitable by visitors with a keen interest to link on foot to the rights of way network locally and, therefore, those wishing to walk in this part of Devon and nearby Cornwall are likely to drive before starting their walk.
14. Furthermore, there does not appear to be any local facilities, such as public houses, other eating establishments, or any form of retail shop, within reasonable and safe walking distance that would help meet the needs of those staying at the site. Consequently, I am not satisfied that walking from the site would, for many occupants, be a likely pursuit.
15. The evidence explains that the holiday let would be geared to the cycle-tourism market and promoted as being a good location for cyclists to be based. All the elements that would seek to encourage cyclists to the accommodation is noted. However, I am not satisfied by the evidence that the location would be especially attractive to the casual cyclist, given the hilly topography away from this plateau like area, and the need to access the wider area via the road network in the vicinity of the site. I have carefully considered the evidence on the importance of the Tamar Trails which are a tourist feature within this area. In my view, the linkages from the site do not seem to provide an especially convenient connection to the Tamar Trails network that would be considered straightforward for many cyclists and that would make the accommodation an attractive choice to stay for cycling those routes.
16. Also, because of the separation from the Sustrans Route 27, I am not satisfied that the site would make a readily convenient stop off for longer distance cyclists riding this route as part of a cycling holiday.
17. In terms of longer distance rides by road cyclists from the accommodation, such as over Dartmoor, the evidence does not persuade me that the accommodation would be sited in a particularly preferable location compared to other locations in the wider area.

18. I appreciate that the Gawton Gravity Hub is reasonably close and along the road in front of the site. This venue specialises in off-road cycling tracks. The Council explain that these tracks use specialist off-road bikes and would not usually be the type to cycle along the road to access this site. Consequently, the location of the proposed holiday let, while quite close to this facility, would again generally need to be accessed by the private vehicle for those wishing to cycle at this attraction.
19. There are some other attractions nearby such as Morwellham Quay. This and some other sites would not, in my view based on my site visit, be an easy or convenient walk or cycle ride from the accommodation for many holiday makers because of the distance and topography. Also, the paint balling site is close by, but walking would not be an especially pleasant or inviting option to access the site because of the lack of footway and traffic movements along the road.
20. There is a bus stop about 190 metres away, with about an hourly bus service that connects Tavistock with Bere Alston, where it is possible to access a rail link including to Plymouth. Walking along the road to the bus stop would, in the same way as to the paint ball site, not be an especially pleasant or inviting proposition for the reasons explained. However, the appellant has provided evidence to indicate that the bus could be stopped outside the site on a hail and ride basis. It would be possible to wait either side of the road, within the access to the site or on the opposite grass verge. In these circumstances, the hailing and being dropped off by a bus would be a possibility to access Bere Alston and then Plymouth by train, or Tavistock in the other direction, and those stops along the way.
21. This would provide an option for a sustainable transport link if visitors wished to access these locations, although the need to catch the bus and then the train to access, for instance, Plymouth and its attractions may be a discouragement when compared with the alternative of a direct car journey. Overall, the service appears reasonably limited in direct destinations and level of service, for instance, the bus does not run in the later evenings or on Sundays. Overall, and even having regard that this is a rural area, the public transport service options from the site should be considered to be quite modest.
22. The Travel Plan that has been submitted with the application indicates that the appellants would intend to operate the holiday let from the site, and would provide a collection service from Bere Alston railway station. This may enable some occupants to arrive by public transport. However, once on site, for the reasons I have explained, it would be a reasonably poor location to walk to attractions or the Tamar Trails, or cycle from the site using the two bikes that would be provided. It would be possible to travel by the bus to the locations indicated, but holiday makers on site would find it difficult, without a car, to access many of the local visitor attractions, countryside locations, local villages and their eating establishments or food shopping. In reality it seems to me that the location away from any village and without good links for walking would mean that holiday makers would be greatly disadvantaged in staying at the site in the absence of a private vehicle.
23. Drawing these matters together, while I have very carefully considered the additional and more comprehensive information that has been submitted in

terms of this proposal, I am not satisfied that the location provides a suitable site that would especially facilitate walking or cycling by occupants of the holiday let. The evidence is that there is a greater potential for the use of the local bus for some journeys than the previous Inspector considered but I agree with him that even though there are some options to travel by means other than the private vehicle, occupiers of the proposed chalet would be more likely to drive.

24. I appreciate that given the rural nature of the area, in practice, most visitors would use their own vehicle to explore the countryside, wherever their holiday accommodation was located. The Framework explains that opportunities to maximise sustainable transport solutions will vary between rural and urban areas and this should be taken into account. However, the length and frequency of vehicle journeys in rural areas is likely to be reduced if holiday accommodation is situated in a location where there is at least some day-to-day facilities such as a shop, a public house or reasonably extensive public transport services, or if in a more remote setting, there were some on-site facilities or entertainment, or direct access to say moorland or the rights of way network with wider linkages that would increase the option of walking or cycling direct from the accommodation. This site, in my view, does not have reasonable access to those or similar types of opportunities and while I acknowledge the bus service, there is nothing especially accessible about the location of the proposed holiday let that should weigh substantially in its favour.
25. I have taken into account the Travel Plan and the measures proposed by the appellant, however, a key element relates to encouraging visitors to cycle and walk and I have raised concerns that the location in itself is not well placed for those activities. Other elements such as the provision of an electric vehicle charging point would be a fairly standard installation for all new build residential units, although worthwhile. Also, the provision of bicycles on site for guests would be helpful but would not necessarily encourage casual cyclists because of the location and topography. Overall, the Travel Plan does not persuade me that it would so assist in encouraging sustainable modes of transport that it would overcome my concerns with the general level of accessibility of the location.
26. Policy DEV15 of the Local Plan also includes that holiday accommodation should respond to an identified local need. The appellant has set out details of the intention to target cycling focused visitors. The information seeks to demonstrate that there is a ready market and that this is not well catered for locally. I have taken into account the information submitted by the appellant on the lack of availability of suitable holiday lets that could meet a local need for the type of accommodation sought by this proposal. However, I am also conscious that the Council has carried out a search for holiday accommodation for 4/5 persons. This shows, while only a snap shot in time, holiday properties to be available at that time, including in Tavistock, Gunnislake, Gulworthy, and Bere Alston, which the Council consider to be more sustainable locations than the appeal site and would also offer proximity to walking and cycle routes, and tourist facilities.
27. I appreciate that it is difficult to prove a need in the circumstances of a single site. Nevertheless, based on the Council information which contrasts with that of the appellant, there did appear, on this snap shot of evidence provided, that

there was reasonably available accommodation in the general area. Consequently, given my misgivings with regard to the location in terms of its general ability to facilitate cycling and walking for holiday makers, I am not persuaded that the development would clearly respond to an identified local need in terms of the way envisaged by the policy.

28. I have taken into account all the submissions in the Rural Solutions Report². This includes how the accommodation would be marketed for cycling holidays, the efforts to reduce the carbon footprint and, in particular, the economic benefits that are calculated to flow from the holiday let on the site and how this would assist in delivering the economic aims of sustainability, including for the site to be self-sustaining. These economic benefits are important considerations that weigh in favour of the scheme. Those occupying the accommodation are likely to spend locally at attractions and facilities and the holiday accommodation would support the local economy and general visitor spend in the area. There are some local tourist related businesses that rely on holiday makers to visit their attractions. Indeed, the Tamar Valley AONB Management Plan 2019-2024 recognises that tourism plays a key role in the economic vitality of the area. I have also had regard to the vision of the Tamar Valley Tourist Association. However, it does not necessarily follow that all forms of holiday accommodation anywhere within the Tamar Valley would be sustainable and the general benefits that would flow from an additional holiday let would not address or have greater weight than the locational concerns with the appeal site.
29. There have been appeal and other decisions submitted from both the Council and the appellant which concern the provision of holiday accommodation. These decisions generally concern the application of the same policies of the Local Plan which are argued to be relevant to the analysis and conclusions in this case.
30. In terms of those which have been submitted to support the appellant's case, the planning permission at Place Farm, Okehampton³ for a holiday chalet has been highlighted. I accept that there are some similarities with the present case, including with the Travel Plan, which the Council accepted, and which lists the type of approach which is also proposed with this appeal site. However, the supporting information within the Planning Report for Place Farm explains that there was an eating establishment within an accessible distance, some of the walking routes were accessible from a lane near the site and the accommodation would be located on the Land's End to John O'Groats cycle route, thereby, increasing the likelihood that some of those staying would arrive by bicycle. Based on this information it would seem that, while there are some similarities with the appeal site and the submitted information, there was also key differences with the accessibility of the location that allowed the Council to conclude that it was a suitable site and a sustainable tourist facility. I therefore attach this planning permission limited weight in support of the present appeal.
31. The appeal at Lamerton⁴ concerned the provision of open market and affordable housing, rather than holiday accommodation. The site adjoined a

² Tourism Development Justification Statement – Issue date 1 March 2022

³ Application 3114/21/FUL Place Farm, Tavistock Road, Okehampton EX20 4LR

⁴ APP/Q1153/W/18/3206945 - Site at SX 447 766, East of Summer Green, Lamerton, Devon - erection of 13 dwellings (9 open market and 4 affordable) and access road – Dismissed 5 February 2019.

village with some local services and facilities. Indeed, that Inspector referred to the Draft Joint Local Plan in which the Local Planning Authority described Lamerton as having “a good range of local services”. While the Inspector acknowledged that the development would likely increase the need to travel by car, the locational circumstances of that development are materially different to the present appeal. I attach this appeal decision very limited weight in support of the present appeal.

32. The appeal decision at Alder Farm⁵ has also been highlighted by the appellant. This appeal allowed the siting of 4 floating holiday pods. The bus service situation appears to have been similar to the present appeal site, however, at Alder Farm there was a café and shop associated with the adjoining vineyard which could be accessed on foot or bicycle from the development and therefore would provide some form of local facility. A nearby cycle route is referenced. Furthermore, the appeal decision explained that the fishing and kayaking on the lake would cease with the erection of the pods and the Inspector considered that any vehicle movements associated with the appeal proposal would likely be offset by the reduction in vehicles accessing the site for fishing and kayaking. It seems, therefore, that the site had some limited services available and there would, in the view of the Inspector, likely not to be an increase in traffic movements overall from the development. The site specific circumstances differentiates the proposal at Alder Farm from the present appeal proposal. I therefore afford the Alder Farm decision limited weight in support of the present scheme.
33. Also raised is the appeal decision at The Apple Loft⁶. This site was said to be located a short distance from the village of Buckland Monochorum which had a limited number of facilities including a public house. The Inspector identified the location of a nearby bus service and but considered that it was unlikely that walking or cycling would be the preferred modes of choice from that appeal site, but both would be possible for leisure trips into the village or to more local attractions. That Inspector judged that the location of the unit would facilitate a modestly greater use of private vehicles which resulted in a degree of conflict with the objectives of the development plan to promote sustainability and minimise dependency on private vehicles. On balance, she determined that this would render the scheme in conflict with the development plan when taken as a whole.
34. Nevertheless, the Inspector took into account that this scheme would make use of a little-used building that had existed for a considerable period and that the mixed use with an annexe could occur without the need for adaptation or harm to the character or appearance of the area. The Inspector, despite the proposal conflicting with the development plan as a whole, decided that material considerations, including the economic benefits, attracted such weight that a decision other than in accordance with the development plan was merited. The circumstances were site specific to justify the decision on its merits in that case, rather than in accordance with the development plan. I am satisfied that those circumstances, including the mixed use of an annexe within an existing

⁵ APP/Q1153/W/21/3278604 - Alder Farm, Lewdown, Okehampton EX20 4PJ - Change of use of fishing lake to allow the siting of 4 floating holiday pods on the lake with the existing site car parking area and toilet unit retained – allowed 11 November 2021.

⁶ APP/Q1153/W/23/3314365 - The Apple Loft, Old Orchard House, Road from Denham Bridge to Winsbeer Cottages, Yelverton PL20 6ET - change of use of existing annexe to mixed use of annexe and holiday let – Allowed 23 June 2023.

building, are different from the circumstances of the present appeal. Consequently, I attribute the Apple Loft decision limited weight in justification for the present appeal.

35. As I say, I have noted all the appeal and other decisions that have been submitted and apply similar, if not the same, policies as with this appeal. However, each decision requires an application of those policies based on the particular circumstances of each site and involve the Inspector weighing up all the site specific circumstances and coming to a balanced view of the proposal in each case. Consequently, I do not find any of the appeals especially instructive or determinative as to how I should balance the various competing arguments and merits of this scheme. I have therefore made a judgement on its merits, having due regard to all the background information, including the planning history and appeals on other sites.
36. Drawing these matters together in respect of the present appeal site, in terms of the benefits of this scheme at Morwell Down Bungalow, the site would involve the use of previously developed land and a building of functional appearance would be removed from the site. A replacement building would be constructed that would not harm the AONB. There would be worthwhile economic benefits to the general area from the accommodation of visitors who would spend locally. The extra trips to and from the site would be proportionate to a single unit of accommodation and could be accommodated on the local road network.
37. However, whilst taking into account the extent of the public transport options which would be available and the Travel Plan that could be incorporated into any approval, I find that the site is not particularly well located, especially to provide for many occupants with convenient and reasonably achievable access by foot or bicycle from the site to the rights of way network and/or cycle routes. The accommodation would not be located for guests to have reasonable and direct accessibility to nearby public houses, other eating establishments or convenience food shops that would often form part of a visit by holiday makers. Overall, I conclude that the site would not be especially accessible by means other than the private vehicle such that the accommodation would not provide a sustainable rural tourism development. I do not consider that the site should be considered to be suitably located in terms of Policy DEV15 of the Local Plan. The balance of considerations under this main issue, whilst having regard to the worthwhile benefits and all the information before me, is that the scheme would not comply with the Local Plan approach to sustainable development.
38. In undertaking the analysis of these matters I have taken into account the representations of support from local residents and the Parish Council. Nevertheless, for the reasons explained, the additional information and evidence that has been submitted with this appeal does not overcome the judgement of the previous Inspector that the holiday let accommodation would not represent sustainable development in the context of the Local Plan.
39. As a consequence of the above analysis, I conclude that the site would not provide a suitable location for the proposed holiday let. The development would therefore conflict with Policies TTV2 and DEV15 of the Local Plan. As the proposal would not lead to a sustainable pattern of development, there would also be conflict with the broader objectives of Policies SPT1, SPT2 and TTV1,

which amongst other things, set the wider approach to sustainable development across the plan area.

On-site low carbon or renewable energy systems

40. Policy DEV32 of the Local Plan seeks to ensure that delivering low carbon development should form part of the design and implementation of all schemes. At the application stage, there was limited details to demonstrate compliance with this policy requirement.
41. As part of the appeal, the appellant has provided information of the measures that could be incorporated into the scheme, such as high levels of insulation, PV panels, water butts and energy efficient white goods. I note the concern that this was not set out at an earlier stage and that some elements that would be needed to meet with this policy requirement would be external and are not shown on the plans. However, this scheme is for a two bedroom unit and the low carbon elements would be proportionate to the scale of the project and could be fairly easily incorporated into the development. Furthermore, some of the low carbon elements would be internal and subject to specification at the Building Regulations stage. With this single unit of accommodation, and as the low carbon elements would be reasonably straightforward to incorporate, I am satisfied that they could be specified at a later date and be the subject of details submitted pursuant to a planning condition in any approval.
42. In these circumstances, I conclude that a planning condition in any approval could ensure that the design and implementation of this unit of accommodation would be able to meet with the on-site low carbon or renewable energy systems required by Policy DEV32 of the Local Plan.

Conclusion

43. Subject to a condition attached to any approval, the proposal could be built and operated to meet with the low-carbon requirements of the Local Plan. This is a requirement of all schemes and would be neutral in the overall analysis.
44. The proposal would, however, not provide a holiday let in a suitable location and the scheme would conflict with the Local Plan approach to sustainable development. Consequently, the harm related to the conflict with these identified planning policies, which would outweigh the positive aspects of the proposal, including the benefits to the local economy, would be such that the proposal would conflict with the development plan when taken as a whole.
45. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Taking all matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR