



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/K1128/W/22/3312549

Rose Cottage, Station Road, Bickleigh, Plymouth PL6 7AL

- 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 Charles Hattersley against the decision of South Hams District Council.
- The application Ref 3308/22/FUL, dated 7 September 2022, was refused by notice dated 30 November 2022.
- The development proposed is the siting of a single storey lodge for holiday let accommodation, including wheelchair access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There have been three recent appeals at Rose Cottage that provide background to the issues in this appeal. The planning history shows that an application for a single detached dwelling with double garage was dismissed at appeal in November 2018 (the First Appeal Decision¹). A proposal for the subdivision of the dwelling into two dwellings was also dismissed at appeal in March 2020, albeit on grounds related to the impact on habitat sites (the Second Appeal Decision²). An application for the siting of a chalet/mobile home for holiday let accommodation was dismissed at appeal in June 2022 (the Third Appeal Decision³).
3. In April 2020, a Certificate of Lawful Use and Development was approved by the Council certifying that the siting of a mobile home within the curtilage of Rose Cottage for ancillary use would be lawful⁴. This was approved because the proposed location of the caravan, and its use as accommodation for visiting friends and family and not occupied independently, would not give rise to a material change of use of the planning unit.
4. At my site visit, I noted that a chalet-like structure was located within the curtilage of Rose Cottage. It appeared to me that it was associated with the Certificate approval for ancillary accommodation. This structure, while of a similar floorspace to the proposed holiday let accommodation in this appeal, when compared with the present proposal, has a different internal layout and externally it appears to be somewhat different. I will therefore consider the appeal based on the submissions and drawings in association with this proposal

¹ APP/K1128/W/18/3204251

² APP/K1128/W/19/3237609

³ APP/K1128/W/21/3281986

⁴ Certificate application 0491/20/CLP

and not what is on the ground. I have assumed, however, that if this appeal was to be allowed it would provide an alternative to the annexe.

Main Issues

5. The main issues are:

- whether or not the site would provide a suitable location for the proposed holiday let accommodation, and
- the effect of the development on the character and appearance of the area.

Reasons

Whether or not the site would provide a suitable location for the proposed holiday let accommodation

6. Planning policies - Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019) (the JLP) 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.
7. Policy SPT2 of the JLP provides more guidance applying the principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth take 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.
8. The JLP 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 TTV26 of the JLP concerns development in the countryside and that isolated development will be avoided and only permitted in exceptional circumstances in accordance with the types of development listed in the policy.
9. Policy DEV15 of the JLP 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, provided 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.
10. The National Planning Policy Framework (the Framework) also provides policy that is 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, however, 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.

11. Location – Rose Cottage is an attractive two storey dwelling set in generous grounds. The site is located within a small run of similarly sized dwellings, located on a mainly, single width road outside the core of the settlement of Bickleigh. The appeal scheme proposes tourism accommodation to be sited within the grounds of Rose Cottage, in the form of detached accommodation.
12. I am conscious of the findings of previous Inspectors when they have considered the various planning issues on this site. I agree that there appears to be only limited services and facilities within Bickleigh itself, and although I noted the bus stop is within a reasonable distance of the site and would provide a link to Plymouth, the evidence indicates there is a limited service available. Furthermore, the bus stop is accessed along a reasonably steep, narrow lane with no footway. It would not be an attractive route to walk to and from the bus stop for most holiday makers, especially after dark, during inclement weather or for those with mobility issues. Occupants of the holiday let would, therefore, have a poor level of public transport options.
13. There is the adjoining cycleway⁵ along the previous railway track. The Inspector in the First Appeal Decision, in relation to a permanent new build dwelling, commented that daily journeys via the cycle route would be unlikely to be the main mode of transport to access centres of employment because of the landscape, distance and condition of the route. Nevertheless, I consider that recreational cyclists and walkers would be more prepared to use the route on an occasional basis and would also be able to cycle and walk north into the countryside as well as towards Plymouth.
14. However, the evidence does not persuade me that the route would likely be a realistic substitute to access a broader range of local attractions, services or facilities that holiday makers may be interested in or require. For instance, the information does not demonstrate that the accommodation would have reasonable access by foot or cycle to facilities such as convenience food shopping and/or eating establishments that holiday makers would often seek to access on a regular basis. In all likelihood, in my view, the proximity of the cycleway would have a reasonably limited effect on reducing vehicle movements for most guests.
15. The scheme does not appear to include a Sustainable Travel Plan sufficient to meet the requirements of criterion 8 of Policy DEV15 of the JLP. Therefore, the proposal does not clearly demonstrate how the development could advance sustainable transport solutions for visitors staying at the site, although in straightforward terms occupants of the site would have access to the cycleway. It is accepted that sustainable transport solutions will be more limited in rural areas; however, based on my assessment, occupants of the holiday let would, in general, be largely dependent on the private vehicle to access the holiday let and other sites in the wider area.

⁵ Sustrans Route 27.

16. This accords with the views of the previous Inspectors who concluded that occupation of the site either on a permanent basis or for tourist users would be likely to result in occupants who were dependent on the private vehicle to access services and facilities, as well as tourist destinations.
17. While the increased number of vehicle movements may be modest, and proportionate with a single unit of accommodation, that does not in itself justify the provision of a holiday let in a location with a reasonably poor level of accessibility by sustainable transport means. The Inspector in the Third Appeal Decision concluded, for a similar proposal as now promoted, that the proposal would appear to fail to accord with the sustainability provision of Policy SPT1 of the JLP. I agree that the scheme would not, in this locational respect, meet with the requirements of sustainable development. Indeed, the site would be in a location, in accordance with the analysis of the second Inspector, that should, in planning terms, be considered to be isolated within the countryside. I do not agree that the site can be considered to be within a settlement. This is, notwithstanding, the location in relation to the urban edge of Plymouth, and which is planned to expand further.
18. The appellant sets out the case that the accommodation has been designed and would be marketed as wheelchair accessible accommodation, for which it is argued there is a lack of accommodation in the area. I have had regard to all the submissions regarding the need for such wheelchair accessible tourist accommodation. This includes the appellant's searches for such existing accommodation in the region. I can appreciate that there may be a need for more tourist accommodation in the general area and that there could be a gap in the market for wheelchair accessible accommodation.
19. Tourist accommodation is already available in the main house, and this is indicated to be well used. There is information that guests stay, at times, because of the location close to the Royal Marine Base, Plymouth Universities and Derriford Hospital. In these circumstances, and given the additional attraction that wheelchair user accommodation would provide, I consider that there would be a likely need for such tourist accommodation in this general area broadly to the north of Plymouth.
20. However, when looking at the requirements of Policy DEV15 of the JLP, I find, in the next section of this decision, that the proposal would harm the character and appearance of the area. This aspect would thereby fail the requirements of criterion 7 of Policy DEV15 of the JLP because chalet and similar accommodation that respond to a local need is on the basis that, amongst other requirements, it has no adverse environmental impact.
21. Furthermore, even if it is accepted that there is a need for such accommodation within this general area broadly to the north of Plymouth, this would not, in itself, justify the provision of the accommodation on this particular site with the locational disadvantages where holiday makers would have a dependence on the private vehicle.
22. I have had regard to the presence of the ancillary accommodation on the site and the vehicle movements and activity that this may generate. However, this floorspace does not create a separate unit of accommodation which would be the situation with the appeal proposal. The planning circumstances are, therefore, different and the use of the present chalet with its ancillary use does not lead to the same policy considerations and impacts as with this appeal

proposal. Also, the subdivision of the house to two units, which was considered with the Second Appeal Decision, would use the existing resource of the building and while this would increase vehicle movements to and from the site, that scheme would benefit from an exception allowed in the Framework for the provision of an additional unit of accommodation in the countryside. The present scheme cannot benefit from such Framework exceptions.

23. It is appreciated that there would be benefits to the local economy from occupants of the holiday let spending money in the area and employment related to the servicing of the accommodation. This would assist with meeting the sustainable economy aspects of the JLP. Tourism is an important part of the regional economy and while the economic boost from the holiday let would be worthwhile, it would be limited to that from a single unit of accommodation⁶.
24. Drawing all these matters together, I conclude that the likely dependence on the private vehicle by occupants of the holiday let in this countryside area would not provide a policy compliant or suitable location. This harm would not be outweighed by the need for the accommodation and the resulting economic benefits. As a consequence, the scheme would not represent a sustainable tourism enterprise nor deliver sustainable development in the way envisaged by the JLP. The scheme would, therefore, conflict with Policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the JLP and the Framework which seek, amongst other things, to promote sustainable development across the plan area.

Character and appearance

25. Rose Cottage is an attractive building with its stone clad front elevation, arrangement of windows, distinctive chimneys and the articulation provided by the porches, window headers and front gables to the roof. The adjoining dwellings in this run are similarly well designed and articulated such that they complement the rural surroundings in which they are located.
26. The proposed holiday let would be a boxy, flat roofed and very poorly articulated structure. The arrangement of openings would add little to the composition of the design. The structure would appear to display little architectural detailing or proportions that would relate to the best features and character of locally distinctive architecture or relate well to the form and appearance of the adjoining buildings. The proposal would fail the requirements of the Framework that development is visually attractive as a result of good architecture and be sympathetic to local character.
27. The structure would be apparent to all those that visited, and because of the design and appearance, it would detract from the rural setting within this garden area in which it would be located. The presence of the existing ancillary accommodation on the site, which has a shallow sloping roof with central ridge, and some of the more functional appearances of the buildings at the nearby Royal Marine Base, does not justify the provision of the appeal building with its poor design.
28. Consequently, I conclude that the proposal would unduly harm the character and appearance of the area and, thereby, would conflict with Policies DEV20 and DEV23 of the JLP, Policies Bick07 and Bick11 of the Bickleigh

⁶ I have had regard to the newspaper article regarding the Jeremy Clarkson Farm that has been submitted and the supporting arguments.

Neighbourhood Plan (2016- 2034) and the Framework which require, notably, that development should respect local character within the locality of the site and help to reinforce local distinctiveness.

Other Matters

29. The evidence from the Council's Planning Report is that the site falls within the Zone of Influence for new residents having a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area). It is explained that a scheme to secure mitigation from the additional recreational pressures upon these habitat sites could be appropriately secured by legal agreement, and this approach has been agreed by Natural England.
30. The appellant has agreed to the principle of signing up to such an agreement, and provided a draft copy of a Unilateral Undertaking with the appeal. However, there is no completed agreement before me and, therefore, no mechanism to secure the necessary mitigation. However, given my overall conclusion on the appeal, I have not needed to consider this matter further and undertake an appropriate assessment.

Conclusion

31. The scheme would provide tourist accommodation in a location that required occupants to be predominantly dependent on the private vehicle to access services and facilities, and tourist attractions. In terms of Policy DEV15 of the JLP this would not constitute a suitable location. As a consequence, the site would not provide a sustainable tourism development. There would be conflict with the policies for the location of development as set out in the JLP and together with the harm to the character and appearance of the area, the appeal proposal would conflict with the development plan when considered as a whole. This is a matter to which I attach substantial weight against the scheme.
32. The economic benefits that would result from the provision of the tourist accommodation are understood and would be worthwhile. The site would fall within garden land outside a settlement and could be considered to make efficient use of previously developed land. The accommodation is intended to be particularly suited to wheelchair users and would help to meet a need for such tourist accommodation and this weighs in favour of the scheme. Nevertheless, with only a single unit that would be provided, the collective benefits should, in my judgement, merit low to moderate weight in favour of approval.
33. It follows, that the harm and related policy conflict would not be outweighed by the benefits of the scheme.
34. I have had regard to those who may use the accommodation with protected characteristics, including disability, in terms of the Public Sector Equality Duty as contained in section 149 of the Equality Act 2010. However, it seems to me that it cannot be discounted that such accommodation, in principle, could be provided at other sites in the general area that could better accord with the locational requirements of the JLP and, therefore, there is no overriding need for the accommodation to be provided on this specific site. In these

circumstances, dismissing the appeal would be an appropriate and proportionate course of action.

35. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR