



Appeal Decision

Site visit made on 23 November 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/P1133/W/23/3322851

**Little Park Farm, Road From Hereford Cottage to Sextons Cross,
Doddiscombsleigh EX6 7PZ**

- 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 Mrs H Coley against the decision of Teignbridge District Council.
 - The application Ref 21/01073/FUL, dated 5 May 2021, was refused by notice dated 28 February 2023.
 - The development proposed is described as 'log cabin constructed as temporary dwelling (see 12/02342/ful) & request its retention as tourist accommodation - log cabin completed constructed in 3/8/2013'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the applicant named on the planning application form is different to the appellant named in the banner heading, it is clear from the submitted evidence, including the Council's decision notice, that the applicant changed to Mr & Mrs Coley during the course of the application. The appeal has been made in Mrs H Coley's name and it proceeds on that basis.

Main Issue

3. The main issue is whether the principle of the proposed development is acceptable having regard to the development plan policies.

Reasons

4. Policy S1A of the Teignbridge Local Plan 2013-2033 (2014) (LP) explains that a positive approach will be taken that reflects the presumption in favour of sustainable development provided the development proposed accords with the relevant policies.
5. LP Policy S12 provides an overall strategy for tourism development and explains that a growing, sustainable tourism sector will be promoted. The policy supports, amongst other things, the enhancement of existing tourist accommodation and attractions, and proposals that enhance the environment and local distinctiveness including heritage and landscapes, and supporting other local improvements which will increase the attractiveness of the areas to visitors.
6. There is no dispute that the site is not within or adjoining a settlement's limit and that it lies in open countryside. Policy S22 of the LP explains that in the countryside development and investment will be managed to provide

sustainable settlements and a resilient rural economy. It seeks to strictly manage development in the open countryside and limit it to uses including leisure and tourist uses, which meet the overall aims of the policy.

7. Whilst LP Policy S22 supports tourist uses in the countryside, LP Policy EC11 is of particular importance because it specifically refers to tourist accommodation. Policy EC11 states that to support the sustainable expansion of the tourism industry, additional tourist accommodation will be acceptable in principle within or adjoining settlement limits. Elsewhere, in accordance with Policy EC11, tourism accommodation will be acceptable in principle where it would meet one of a list of criteria, including expand or improve existing tourism locations, provide innovative or unusual forms of accommodation or form part of a farm diversification scheme.
8. Policy EC11 of the LP broadly conforms with the aims of paragraphs 84 and 85 of the National Planning Policy Framework, which similarly support the sustainable growth and expansion of businesses including in rural areas.
9. The appellant's case is supported by a Marketing Strategy and details, including distances between the proposal and nearby attractions. There is no substantive evidence that relates this proposal to any particular existing tourist accommodation or attractions, or demonstrate that it would expand or improve existing tourist accommodation locations.
10. The appellant considers that the facilities would be innovative or unusual. However, I have seen no substantive evidence to corroborate this nor that it would widen and enhance the tourist offer of the area. In my experience such log cabins are not unusual as tourist accommodation.
11. I note the planning history of the site relating to an agricultural worker dwelling, however, the submitted evidence does not clearly demonstrate that the appeal scheme would support farm diversification.
12. I have not been provided with details to demonstrate that the proposal would comply with other criteria under LP Policy EC11, including that the proposal would provide a new campsite or caravan site, involve the conversion or change of use of a building or use a dwelling to provide bed and breakfast accommodation. Therefore, the proposal is in conflict with LP Policy EC11.
13. Additionally, the information provided does not form a sufficiently robust case to demonstrate that the proposal would enhance the environment and local distinctiveness including heritage and landscapes and supporting other local improvements which will increase the attractiveness of the area to visitors. Thus, for similar reasons the proposal also fails to comply with criteria of LP Policy S12.
14. The appellant considers that the proposal would not conflict with Policy S1 of the LP. However, the policy identifies that other development plan policies may provide more specific or overriding requirements in a particular case. Moreover, LP Policy S1 requires that proposals perform well against listed criteria, including the accessibility by walking, cycling and public transport for main travel purposes.
15. I recognise that there are facilities within Dodddiscombsleigh, however, I noticed during my site visit that access from the site would be via a long and rural stretch of narrow, unlit and unpaved road. This would be uninviting for

pedestrians or cyclists to have to navigate particularly in the dark or during inclement weather conditions. Furthermore, although a list of nearby tourist attractions has been provided, other than recreational walks that are accessible around Doddiscombsleigh, there is no substantive evidence to demonstrate that the appeal scheme would particularly facilitate walking, cycling or public transport for main travel purposes, even though cycle storage and electric vehicle charging points could be secured via a condition, should the appeal be allowed.

16. As such, in terms of the main issue, the proposal therefore fails against LP Policies S1A, S1, S12 and EC11, which amongst other things seek to manage new tourist accommodation within the district. Due to its statutory nature, harm derived from conflict with the development plan on this issue should carry significant weight.

Other Matters

17. It is appreciated that there would be benefits to the local economy from occupants of the proposed tourist accommodation with the potential for all year-round spending money in the area and employment related to the servicing and maintenance of the accommodation. Tourism is an important part of the economy and while the economic boost from the holiday let would be worthwhile, it would be limited to that from a single unit of accommodation.
18. Even though the timber cabin may embody a substantial amount of carbon, there is no basis to consider that it could not be reused in another location in the event this appeal is dismissed. I have little basis, therefore, to consider that this would not abide by the Council's declared climate emergency.
19. There is no dispute between the main parties that the proposal would have an acceptable design and landscape impact, and that it would not harm highway safety or the living conditions of residential neighbours. However, these are standard development control requirements that would be sought from any new development.
20. Although the Council has referred to a condition of a previous planning permission that requires the log cabin to be removed, I have considered the appeal proposal on its merits.
21. The site falls within the catchment of the Exe Estuary Special Protection Area and Ramsar site, and Dawlish Warren Special Area of Conservation. However, as I am dismissing the appeal for other reasons given, I have not pursued these matters further.

Conclusion

22. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
23. The appellant has provided details of a range of benefits associated with the development, including that the scheme would make use of an existing log cabin on the site, provide accommodation that would comply with Approved Document M of the Building Regulations, and that the proposal would provide year-round economic benefits and create cleaning and maintenance job

opportunities. However, the benefits are limited by the scale of the proposed development and would not outweigh the conflict with the development plan.

24. The appeal scheme would not be suitably located, having regard to the Local Plan's approach to the supply of tourist accommodation. In that regard, the proposal would conflict with the development plan when taken as a whole. That conflict weighs significantly against the proposal. I therefore conclude that the proposal would be contrary to the development plan and there are no material considerations identified that outweigh this finding.

25. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR