

Appeal Decision

Site visit made on 13 February 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th March 2024

Appeal Ref: APP/P1133/W/23/3327168

Crockwell Park, Maddacombe Road, Kingskerswell, Newton Abbot, TQ12 5LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Quick against the decision of Teignbridge District Council.
 - The application Ref 22/02356/OUT, dated 19 December 2022, was refused by notice dated 9 May 2023.
 - The development proposed is described as a single dwelling to replace caravan (approved for residential use by 21/02632/CLDE) (All matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. In the appeal form the appellant has used the description of the proposal used by the Council in its decision letter. I have no reason not to follow suit.
3. The application was submitted in outline, with all matters of detail reserved for future approval. However, the appellant produced a proposed site plan showing a footprint and siting of a proposed dwelling. It was clarified that this was indicative only, and I shall therefore treat the plan as being illustrative of the appellant's proposals.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site forms part of what the appellant describes as the curtilage of the dwelling known as Crockwell Park, although I have no clear evidence before me that this is indeed the case. It is common ground that the site lies outside a designated settlement boundary, in countryside, although the Council acknowledges that the site is not isolated. It is apparent from the planning history that the site as a whole, including adjacent land in the appellant's ownership, has a lengthy history of unauthorized development, much of which has evolved to become lawful through the passage of time.
6. When I visited, the appeal site was occupied by a plethora of several large metal storage containers, caravans, mobile home, parked motor vehicles and

assorted bric a brac, materials and dumped rubbish. A certificate of lawfulness has been granted on the site for the siting of a residential caravan¹. The site is also used as a 5 pitch Camping and Caravan Club site. A planning permission has been granted for the siting of 4 permanent wooden holiday cabins on the site². What I saw detracted severely from the character and appearance of its rural surroundings, albeit that the hedge on the road frontage provided some screening.

7. The appellant offers to get rid of the mess created on the site, including the storage containers, to remove or discontinue the use of the land for the residential caravan, to discontinue the Caravan Club's activities and not to implement the permission for the holiday cabins. The appellant considers that a visual betterment would ensue if a dwelling were erected instead.
8. The appellant, as justification for the proposal, has also referred to development on nearby sites, some albeit unauthorized, including the grant of permission for a replacement dwelling, and other such development elsewhere. I saw the evidence of such development nearby.
9. The Council, given what it regards as the scant detail provided by the appellant, takes the view that the proposed dwelling would have a greater visual impact on its surroundings than the caravan. As to the holiday cabins, these were considered policy compliant by the Council when permission was granted and '*would not result in significant harm to openness, landscape character or local views.*' The Council appears not to have taken account of factors relating to the other existing uses of the site, including the metal storage containers. Nevertheless, the Council considers that the proposal would not result in visual betterment, indeed, it considers harm would occur.
10. To my mind, the most relevant development plan policy is S22³ which provides that in the open countryside development will be strictly managed. The appellant suggests that the proposal is compliant with the policy in the sense that replacement dwellings, subject to satisfying certain criteria, will be permitted. The appellant equates a caravan with a dwelling for policy purposes. I consider this to be stretching a point to an extent, but the comparison is not entirely unfair since as the appellant says, the certificate of lawfulness is in respect of the use of land. The type of residential caravan sited could therefore be changed without further permission and could conceivably include for example a much larger unit up to the maximum dimensions permitted.
11. I note the Council's view on the planning merits of the holiday cabins, but whilst they may be policy compliant, I consider that taken as a whole, they would represent permanent construction and have at least as much visual impact on their surroundings as a reasonably sized new dwelling.
12. Accordingly, I find some merit in the proposals, in that if the promised environment improvements came to fruition, and the appellant gave up current and permitted lawful activities on the land, then a suitably designed dwelling of

¹ Ref 21/02632/CLDE dated 4 February 2022

² Ref 21/02652/FUL dated 1 March 2022

³ Of the Teignbridge Local Plan May 2014 (LP)

an appropriate scale and design set in a landscaped setting could rank as a visual benefit by comparison.

13. My concern, however, is how could the perceived benefits of the scheme be achieved in practice? The Council's suggested conditions in the event of the appeal being allowed provide little help in this regard. The appellant acknowledges that it would not be open to me to 'revoke' the extant planning permission for the holiday cabins by condition. Nor would it be open to me to unilaterally annul the certificate of lawfulness for the caravan. Without such guarantees, the caravan could continue to be sited here, and part of the holiday cabin development could conceivably be lawfully built.
14. A planning obligation would be necessary to deal with these aspects, but while the possibility of one has been mentioned, no such obligation has been put before me. I would have reasonably expected any obligation to have also dealt with the removal of all the other stored material, containers and parked vehicles from the appeal site and a guarantee that they would not simply be dumped, stored or parked elsewhere on adjacent land in the appellant's ownership. Also, that the Caravan Club's activities would be discontinued permanently on all land in the appellant's ownership. Moreover, far more detail than has been provided as to the scale and massing of the proposed dwelling would be required, and a landscaping strategy designed to remedy the appearance of the site and that surrounding in the appellant's control.
15. In the circumstances, and in the absence of important detail and certainty that the alleged benefits of the proposals to the rural environment would come to fruition, I conclude that the proposal would harm the character and appearance of its surroundings. Accordingly, a clear conflict arises with those provisions of LP policy S22 designed to ensure that development in the countryside will be strictly managed to provide, amongst other matters, attractive landscapes.

Other matters

16. I have noted the references to other development plan policies but that to which I have referred is considered the most relevant having regard to the particular circumstances of the case. I have also taken account of the references to the *National Planning Policy Framework*.
17. All other matters raised in the representations have been considered, including the views of the Parish Council, but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR