



Appeal Decision

Site visit made on 7 February 2024

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/P1133/W/23/3322733

**Moorwood, Road From Gipsy Corner To Shewte Cross,
Bovey Tracey TQ13 9LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Bayles against the decision of Teignbridge District Council.
 - The application Ref is 21/02897/FUL.
 - The development proposed is Conversion of stable building to form holiday letting unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council used a different description of development in its decision notice than was given on the application form. I have been given no evidence that this was agreed with the applicant, so I have used that from the application form.

Main Issue

3. The main issue is whether this is an appropriate location for the proposed holiday use.

Reasons

4. Moorwood lies in the open countryside, to the northeast of the small town of Bovey Tracey. There is on the land what the Appellant describes as an established and viable forestry and arboriculture business, run from a range of quite large buildings. In addition to those buildings, I saw, amongst other things, a large, detached dwelling and a smaller building in residential use, which is the subject of another appeal¹.
5. The appeal site is a timber 'L'-shaped stable building, comprised of loose boxes and storage area, that was erected with the benefit of planning permission². It lies at the northeastern end of the land at Moorwood, accessed via a track along the property's northern boundary that also serves a dwelling on adjacent land, Trendlebere Barn.
6. The stable building is orientated so that its axes run roughly north-east to south-west and south-east to north-west, with a small yard in front close to the boundary with Trendlebere Barn. The building and its yard are set into the

¹ APP/P1133/X/23/3322835

² Council reference 09/00030/FUL

gently sloping hillside. The land included in the application site includes an area of sloping land enclosed by a timber fence, the track accessing Trendlebere Barn and land on the north side of this track, between it and the public highway.

7. Although I was not provided with a copy of Policy S22 of the Teignbridge Local Plan 2013-2033, adopted 6th May 2014 ('TLP'), the parties agree that it provides support in principle for tourism uses, subject to certain criteria being met. Although not referred to in the decision notice, nor any of the representations, I note that Objective B&EO1 of the Bovey Parish Neighbourhood Plan 2021-2033, adopted/made March 2022, ('BPNP') aims "for the Parish to become a more attractive business, service and leisure location for residents, businesses and visitors". This, again, gives general support to the scheme.
8. More detailed policy guidance on the provision of tourist accommodation is given in TLP Policy EC11. It sets out that, in locations outside settlement boundaries, proposals for tourist accommodation will be acceptable in principle if it accords with one of 7 listed criteria. The proposal is put forward on the basis of criteria a), c), d) e) and g).
9. Criterion a) supports the expansion or improvement of existing tourist locations. Whilst not its primary use, I am told that the site "has for many years provided camping and caravan facilities for visiting holiday makers". However, no evidence of this has been put before me, nor was it mentioned in the supporting statement at the application stage. In the absence of any evidence to support this contention, I cannot conclude that the scheme accords with this criterion.
10. The policy's criterion c) supports the establishment of a new campsite or caravan site. However, what is proposed is clearly neither of these. That the scheme might provide accommodation that is superior to both camping and caravan facilities is immaterial; as the proposal is not for a caravan or camp site, this criterion does not support it.
11. From the evidence before me, including what I saw at my site visit, the building is clearly permanent and well-constructed, and its conversion would be supported by criterion d) of the policy. A conversion scheme to allow for the change of use of the stables to a holiday let would, by definition, entail works to the existing stables building to facilitate the use.
12. It is proposed here that the building to accommodate the holiday let would be of a similar 'L'-shape. However, it would be relocated, with its axes orientated north to south and east to west. The open area between the axes would be relocated to their south and east sides – which is to say, on the other side of the building from Trendlebere Barn. The building would be higher to both its eaves and ridge levels. Other changes from the form, design and materials of the existing stables are also proposed, such as the use of a natural slate roof covering, a different pattern and form of door and window openings, vertical rather than horizontal timber boarding and deeper fascia boards.
13. As a matter of fact and degree, these changes do not fall within the ambit of conversion but represent the erection of a new building. This form of development is not one of those listed in TLP Policy EC11.

14. Criterion e) of the policy provides support for tourism developments where they are part of a farm diversification scheme. From the text of the policy, this would include new build proposals, as is the case here.
15. The business at Moorwood was founded on the growing of eucalypti to provide food for koalas in captivity across Europe. It is submitted that the growing of what was, in essence, a fodder crop falls under the heading of agriculture. I find this to be the case, though my decision does not turn on this finding.
16. The reason for this is that the nature of the business has changed. After the UK left the European Union, the company moved out of fodder production and into the production and sale of dried logs to be used in wood burning stoves. This, the Appellant describes as diversifying the business. However, my reading of the situation is that this was a move out of agriculture and into an industrial or commercial enterprise. The use of the land is not, therefore, agricultural and, as such, the proposal is not a farm diversification scheme.
17. The Appellant makes the point that the business needs to diversify, due to its seasonal nature. The proposed holiday let will bring in essential additional income, leading to the on-going viability of the family-run business. Although not referred to in the decision notice, nor any of the representations, I note that Objective B&EO1 of the Bovey Parish Neighbourhood Plan 2021-2033, adopted/made March 2022, aims "for the Parish to become a more attractive business, service and leisure location for residents, businesses and visitors". This lends support to the scheme.
18. The TLP was adopted in 2014 and, since then, the Framework has been revised on more than one occasion. In the current version, under the heading of 'Supporting the local economy', amongst its terms paragraph 84 says that planning decisions "should enable...b) the development and diversification of agricultural and other land-based rural businesses". That Policy EC11 refers only to farm diversification means that, on this point, the policy is not aligned with the Framework.
19. Although not defined in the Glossary to the Framework, I interpret a "land-based" business to be one that is reliant on the land on which the development is proposed. There is nothing in the evidence before me to show that the wood that is used in the logs business originate, either in total or in major part, from the land at Moorwood. Therefore, I find that the terms of paragraph 83 of the Framework do not support the scheme.
20. Whilst I take the point that the development would assist the business, this is not one of the exceptions supported by Policy EC11. Furthermore, no evidence has been brought forward to show how any money raised through the holiday let would be used to benefit the business.
21. The final criterion, g), in the policy is support for the provision of innovative or unusual forms of accommodation which would widen and enhance the tourist offer of the area. There is nothing in the submissions that lead me to find that the erection of this simple building would result in either an innovative or unusual form of accommodation.
22. In conclusion on this issue, I find that the proposal is not supported in either local or national policies. The site is, therefore, not appropriate location for the proposed holiday use.

Other Matters

23. I note the case that the holiday let would add to the base of tourist accommodation in this area, which is very close to Dartmoor National Park where there is demand for such accommodation, to the benefit of the local economy. I have also taken into account that the design and re-orientated position of the new building would mean that there would be no adverse effect on the occupants of Trendlebeare Farm by way of noise or disturbance. Whilst material, none of these considerations outweighs the terms of the development plan.

Conclusion

24. Policy S22 of the TLP and Objective B&EO1 of the BPNP provide broad support for the provision of tourism uses and support for businesses, respectively. TLP Policy EC11, however, provides detailed policy guidance on the location of tourist accommodation. The proposal does not accord with its terms. I find that there are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should not succeed.

R Curnow

INSPECTOR

