



Appeal Decision

Site visit made on 12 March 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 5th April 2024

Appeal Ref: APP/P1133/W/23/3328080

Gissons Hotel and Restaurant, Kennford, Devon EX6 7UD

- 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 H Yao on behalf of Gissons Ltd against the decision of Teignbridge District Council.
 - The application Reference is: 22/01162/FUL.
 - The development proposed is the erection of new first floor structure to provide staff accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although the Council has given two reasons for refusal on its decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify a single main issue.
3. Accordingly, the main issue in this appeal is whether or not the proposed development would be in a suitable location having regard to Local Planning Policy, and to its effect on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a parcel of land at a large hotel site. The hotel is situated to the south of residential housing at Kennford. Another hotel is located to the south and east of the site, with agricultural land beyond. To the west of the site there is a lane providing access into Kennford, with the A38 highway being located to the west of that lane. The appeal site is located outside of the settlement limit of Kennford as defined within the Teignbridge Local Plan 2013-2033 (the Local Plan).
5. Policy S1 of the Local Plan provides that development will be assessed against a number of sustainable development criteria to include, amongst other matters, maintenance or enhancement of the character, appearance and historic interest of affected landscapes. Policy S22 of the Local Plan confirms that land situated outside of the defined settlement limits is classified as being open countryside where development and investment will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. This policy provides that within the open countryside, development, such as housing for rural workers, is to be

strictly managed and limited to uses that are necessary to meet these overall aims.

6. There does not appear to be any dispute between the main parties that accommodation for staff to reside at the site, is necessary in order to allow for the day to day running of the hotel. However, there is extensive planning history associated with the hotel site, and which confirms that additional guest and staff accommodation has been previously approved at the hotel site but has yet to be completed.
7. In that respect, it is uncertain as to whether previously approved but yet to be completed permissions for additional staff accommodation would satisfy the needs of the hotel. Consequently, the Council maintains that additional information regarding staffing numbers is required in order to demonstrate that further staff accommodation at the appeal site is necessary. The Council contends that given insufficient information has been provided regarding staff numbers, it cannot be judged whether additional staff accommodation is necessary.
8. The submissions before me indicate that the Appellant wrote to the Council prior to the issue of the Decision Notice, and which stressed the urgent need for the proposed staff accommodation. That correspondence also suggested that twenty-four-hour cover is required, that securing staff to run the hotel had proven impossible and that, therefore, the hotel was at risk of being permanently shut.
9. Notwithstanding the general nature of the above described details contained within correspondence to the Council, the Appellant has provided further information in support of the appeal. However, the further information provided by the Appellant regarding the current staffing numbers, the numbers of staff that would be required in order to manage the hotel operations and the number of rooms available for staff at the hotel site, is again very limited and of a generalised nature.
10. The Appellant has put to me that the hotel currently runs with 26 bedrooms. The Appellant mentions that occupancy is under 50% due to a lack of staff and maintains that it has proven difficult to attract staff due to limited public transport options within the area, lack of affordable housing, and the costs incurred by staff commuting to and from the hotel. The Appellant further contends that the appeal scheme, when combined with previously approved staff accommodation, would still fall short of meeting the staff requirements for the fully developed hotel site.
11. Whilst I acknowledge the Appellant's submissions in those respects, I find the information provided regarding current and required staffing numbers to be very limited. Furthermore, there is uncertainty as to whether previously approved, but yet to be completed, additional staff accommodation at the hotel site would satisfy the staff accommodation requirements for the day to day running of the hotel. I therefore conclude that there is insufficient evidence to demonstrate that provision of further additional staff accommodation within an area which is defined by the Local Plan as being within the open countryside, is necessary to meet the overall aims of Policy S22 of the Local Plan.
12. I shall now turn to consideration of the effect of the proposed development on the character and appearance of the area. In that respect, Policy S2 of the

Local Plan concerns quality development and provides that new development will be of high quality design, which supports the creation of attractive, vibrant places.

13. The appeal proposal would comprise an extension, at first floor level, of an existing single storey building located at the hotel site. Whilst it is noted that there are other buildings and extensions which have been previously approved at the hotel site and which include flat roof designs, it appears that those other buildings and extensions would be located at a lower land level than the appeal proposal and would be partially screened by the main hotel building. The proposed extension would result in a two storey, bulky box like building in a prominent location and which would appear industrial in character.
14. Whilst it is noted that there is a service station located on the A38 to the west of the site, in my view, the proposed flat roof box like addition at first floor level, would be of a design and bulk that would not sit comfortably within the character or appearance of the surrounding area, being harmful to the rural character of the countryside at this location.
15. It is noted that, following objections submitted by Local Councillors which raised concerns regarding overdevelopment at the hotel site, the Appellant submitted further information regarding the planning application and provided a masterplan. That masterplan provides details of how the entire hotel site, and not just the appeal site, could be developed in the future, and which appears to include changes to other development at the hotel site for which planning permission has previously been given. The Appellant maintains that the masterplan provides a building solution at the hotel site which would greatly reduce the overall level of development at the hotel.
16. The masterplan appears to provide some limited details of how the hotel site, including extant permissions, could be redeveloped and which it is suggested would reduce overall built form at the hotel site. However, the details in that regard are limited and the masterplan was not part of the application which is the subject of this appeal and which, as above, is described as being for the erection of a first floor structure for staff accommodation. The masterplan may form part of a further separate planning application. However, such matters do not relate to the present appeal which has been considered on the basis of the application for additional staff accommodation only.
17. Notwithstanding the above, in the event that the Appellant is seeking to submit the masterplan as an amendment to the scheme that is before me in this appeal, consideration of development of the hotel site as a whole would represent a significant change when compared to the appeal proposal. It is clear that the details provided concern a substantially different scheme to that which is before me in terms of this appeal. I therefore find that, given the details provided on the masterplan would represent a different application and that consideration of the proposed amendments would, in my view, cause unlawful procedural unfairness in terms of consultation, I have not considered that masterplan further in respect of this appeal decision.
18. In summary of the above, I find that there is insufficient evidence to demonstrate that it is necessary to provide the proposed additional staff accommodation at this countryside location. The appeal scheme would also result in harm to the character and appearance of the area. As such, the

proposed development would conflict with the aims and provisions of Policies S1, S2 and S22 of the Local Plan.

19. I acknowledge that Policy EC3 of the Local Plan provides support for extensions or expansions of existing business or employment sites. However, Policy EC3 stipulates that such support is only given where the development would respect the character and appearance of the area. Given the above conclusions regarding harm to the character and appearance of the area, the appeal scheme gains no support from Policy EC3 of the Local Plan.
20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
21. There would be some limited economic benefit in terms of employment opportunities during construction of the appeal proposal. The appeal proposal would provide additional accommodation for staff and thereby may result in a reduction of carbon emissions associated with vehicle journeys to and from the site. However, the weight that can be attached to that potential benefit is limited given that it is uncertain whether such staff members could reside at the existing and previously approved additional staff accommodation at the hotel site.
22. Weighed against these benefits, the appeal proposal would conflict with the development plan when taken as a whole. The harm resulting from the conflict with the development plan weighs significantly against the proposal. Consequently, the harm that would result from the proposal as identified above, would outweigh the benefits of the appeal scheme.

Other Matters

23. Interested parties raise additional objections to the appeal proposal on the grounds of insufficient parking provision. I have taken into account all of the evidence before me regarding this important matter. However, given my findings in relation to the main issue above, this is not a matter that has been critical to my decision.
24. I acknowledge and sympathise with the Appellant regarding their frustrations with the Council's communication and the way in which it handled the planning application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.
25. I also note the Appellant's disappointment with regards the refusal of the application, citing discrimination. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I have no evidence submitted to me to suggest that the Council has acted in a discriminatory way, and I have carried out my statutory duties and made a decision based solely on the planning merits of this case.

Conclusion

26. For the reasons given above the appeal should be dismissed.

Mr A Spencer-Peet
INSPECTOR