
Appeal Decision

Hearing held on 8 May 2024

Site visit made on 8 May 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/K1128/W/24/3336818

Gara Rock Hotel, Lane to Gara Rock Hotel, East Portlemouth TQ8 8FA

- 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 AG Gara Rock against the decision of South Hams District Council.
 - The application Ref 2167/19/FUL, dated 1 July 2019, was refused by notice dated 14 July 2023.
 - The development proposed is erection of 3 additional holiday units within the grounds of Gara Rock Resort (comprised of a pair of semi-detached cottages and 1 secret suite and additional landscaping from that previously advertised) together with the reconfiguration of parking and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.
3. The description of development in the banner heading above has been taken from the appeal form and the decision notice. It differs from that on the application form and reflects the changes to the scheme that took place between the application submission and determination dates.
4. The Council has confirmed that there was a typographical error in the wording of the first reason for refusal, which should refer to Policy DEV24 instead of DEV25 of the *Plymouth and South-West Devon Joint Local Plan 2014 - 2034* (March 2019) (the JLP). I have dealt with the appeal accordingly.

Main Issues

5. The main issues are:
 - Whether the appeal site is a suitable location for the proposed holiday units having regard to the Council's settlement strategy and the reliance of the scheme upon travel by private car;

- Whether or not the proposal would meet the carbon reduction requirements of the development plan; and
- The impact of the proposal upon the tranquillity of the Undeveloped Coast.

Reasons

Location

6. The appeal site comprises a holiday resort located close to the South Devon Coast, to the southeast of Salcombe. It is within the South Devon National Landscape, the designated Undeveloped Coast, and the Heritage Coast.
7. The site operates as a hotel with 34 holiday units which comprise a mix of suites, apartments and cottages. 15 of these incorporate kitchens and provide self-contained accommodation. Apart from one separate suite, this accommodation is arranged in a single U-shaped block.
8. Hotel resident facilities, which are also available to non-staying guests, include restaurants and bars, a spa, swimming pools, cinema room and a small shop. A large amount of the site is also given over to carparking and undeveloped hotel grounds.
9. The existing holiday units benefit from planning permission for unrestricted Class C3 residential use. It was confirmed at the hearing that they are currently operated under a 'sale and leaseback' arrangement whereby the appellant retains the freehold of the overall site and sells the holiday units to private investors. The appellant manages the lettings and is responsible for the resort management and maintenance, so that the leasehold owners are provided with a guaranteed yield on their investment.
10. As such, this arrangement acts as a financial mechanism for enabling the holiday lets to continue as such, by providing an incentive for the appellant to maximise occupancy levels, and ensure profit margins and continued investment in the site facilities. The appeal proposal would add 3 more holiday units.
11. JLP Policy SPT1 sets out the overarching principles to deliver sustainable development across the plan area, supporting growth and change that encompasses a sustainable economy, society, and environment. The means of achieving this include environmentally conscious business development, the provision of health-promoting transport options, reducing energy demand and promoting low carbon energy schemes.
12. JLP Policy SPT2 is primarily concerned with the creation of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place within 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, should be well-served by public transport, walking, and cycling opportunities, and should have an appropriate level of services to meet local needs. Tourism can play a part in supporting such communities, especially where it is conveniently located for access thereto.
13. The JLP approach to sustainable development is reinforced in Policy TTV1 for the Thriving Towns and Villages Area (TTVA). This policy seeks to distribute

growth and development in accordance with a hierarchy of settlements. The appeal site is located within the fourth-tier category which relates to the 'Smaller villages, Hamlets and Countryside' where development will only be permitted if it can be shown to support the principles of sustainable development and sustainable communities as set out in Policies SPT1 and SPT2.

14. Having regard to the above, I do not accept the appellant's view that the appeal site comprises a self-sufficient rural community which should be treated as a sustainable settlement having regard to this policy. Following my site visit, I saw that the site contains a range of predominantly tourist-related facilities, which do not comprise a range of services and community facilities which would warrant its inclusion as a designated small village. Moreover, the appeal site is not included within the Policy TTV1 list of Tier 3 Sustainable Villages. To treat it as such, would undermine the development plan-making process.
15. Regarding tourism development, JLP Policy TTV2 confirms that proposals in the TTVA will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. The rural sustainability objectives of the policy include the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities, and visitors, and respect the character of the countryside and historic settlements.
16. JLP Policy DEV15 supports proposals *in suitable locations* (my emphasis) which seek to improve the balance of jobs within the rural areas and diversify the rural economy. This policy confirms that all 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, and requires that a Sustainable Travel Plan be provided to demonstrate how the traffic impacts of the development have been considered and mitigated.
17. The appellant confirmed at the hearing that no additional jobs would be created directly as a result of the proposal. Notwithstanding this, the proposal would amount to the expansion of an existing rural commercial business employing staff, and, in the circumstances of supporting the rural economy where there is often a range of business types, I am satisfied that it can be considered to be a small employment site, whose extra business would help support the retention of the existing employment on the site. As such, Policy DEV15 is relevant.
18. The locational approach of Policy DEV15 is echoed in JLP Policy DEV29, which requires development proposals to promote sustainable transport choices and facilitate sustainable growth that respects the natural and historic environment, by, where appropriate, and amongst other things, incorporating travel planning, including Personalised Travel Planning (PTP) which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.
19. The appeal site lies in an isolated rural coastal location, remote from the closest small settlements of East Portlemouth and East Prawle. A single-width track provides vehicular access from the site to the wider rural road network.
20. There are no public bus routes serving the site. At the hearing, the appellant drew my attention to the nearest mainline railway station at Totnes, from

where the site can be accessed by taxi. However, this would involve an approximately 55-minute drive by motor vehicle between the station and the appeal site. I accept that this mode of travel maybe attractive for business related trips. However, I consider that due to the road distance involved, a more restricted ability to easily carry luggage often associated with a rural coastal holiday such as outdoor equipment and clothing, and a resulting lack of private vehicle availability during their stay, that tourists residing at the appeal site would be deterred from using the train and taxi mode of travel.

21. I acknowledge that the aforesaid on-site facilities would potentially reduce the length and frequency of private vehicle movements associated with the appeal scheme. I do not doubt that the appeal site provides a high-end holiday experience, with a wide range of on-site facilities, attractive views, and a nearby beach. However, I am not persuaded, based on a lack of cogent evidence before me, by the appellant's assertion that users of the appeal scheme would be unlikely to use their cars at all during their stay.
22. Notwithstanding the existing on-site restaurants and bars, the proposed new units would include cooking and dining facilities, comprising self-catering accommodation. As such, future occupants would reasonably be expected to travel to obtain essential holiday supplies to support self-catering use of their unit. I find that the provisions and facilities that are likely to be required, such as food shopping and post office and pharmacy related services, would not be available in the small on-site shop, which presently mainly sells tourist souvenir-related goods. The closest convenience shop is located approximately 6 miles away at Stokenham, the closest supermarket is at Kingsbridge, approximately 10 miles away, and the facilities and services at Salcombe are sited around 15 miles by road from the appeal site.
23. Also, it would not be unreasonable to expect that occupiers of the appeal scheme would also wish to experience other off-site cafes, restaurants and public houses, in addition to those available on-site, when staying for several days or more, as well as wishing to explore other tourism-related facilities and visitor attractions within the area.
24. I do not doubt that tourists staying in the proposed units would make use of the adjacent South-West Coast Path and National Cycle Highway bridleway which are close to and easily accessible from the appeal site. However, such use would reasonably be expected to appeal mostly to active guests for recreational use, particularly during fine weather. Cycling requires a certain level of fitness, ability and experience and access to a cycle, and walking along the coastal path would involve traversing rough and hilly terrain.
25. These options would not be realistically appealing during inclement weather and hours of darkness. In addition, the walking distance between the site and the Salcombe pedestrian ferry port at East Portlemouth, combined with the nature of the road and footpath routes thereto from the appeal site would act as a deterrent to less physically active users of the appeal proposal.
26. Following my site inspection, I find that, even during daylight hours and dry weather, the roads leading to the appeal site are not conducive to safe and enjoyable walking or cycling conditions, as they are characteristically narrow, unlit, have no pavements, and are often winding, hilly and high-hedge-lined resulting in poor driver visibility. Moreover, the proposal would operate on a

- year-round basis and the likelihood of using these sustainable modes of travel would be significantly less during poor weather and outside of daylight hours.
27. I have noted that long-weekend/3-night stays currently comprise a significant part of the business, meaning guests would be more likely to remain on the appeal site during their stay to make the most of the site facilities. However, there is no guarantee that all the existing facilities will remain on site in the future. Nor is there cogent evidence before me that the accommodation would be limited to this length of stay or that less physically mobile guests would choose to stay in accommodation elsewhere.
28. I therefore find that, having regard to matters such as convenience, safety, comfort and attractiveness of alternative means of travel, in addition to poor availability of nearby public transport services, the occupiers of the appeal scheme, which could potentially include the elderly, children and those with mobility issues, are highly likely to be dependent upon their cars for the majority of their trips to and from the appeal site. These trips would include arrival and departure at the beginning and end of their stay, as well as visits to local tourist facilities and attractions and to obtain food and services as needed during their stay.
29. In my view, having regard to the above, the resulting likely increase in the number of private vehicle trips associated with the proposed 3 additional holiday units would be significant. The appellant has not provided a supporting Sustainable Travel Plan to demonstrate how they would be considered and mitigated, and the facilitation of the use of sustainable transport has not been adequately demonstrated as required by JLP Policy DEV15.
30. I also find that the location of the site within the Undeveloped Coast policy area results in a further conflict with Policy DEV15 which specifically excludes camping, caravan, chalet or *similar facilities* (my emphasis) within this designated area. There is a difference of opinion between the main parties as to whether the appeal scheme falls within the uses covered by criterion 7 of Policy DEV15. I find that the proposed holiday cottages and suite, due to their self-catering accommodation and small-scale and sustainable design, would provide similar holiday accommodation as that provided by chalets.
31. As such, and having regard to the wording within criterion 7 as a whole, the first part of which refers more broadly to tourist or leisure development, and noting that Policy DEV15 does not specify that the types of accommodation referred to in criterion 7 must be non-permanent, I am satisfied that the second part of Policy DEV15 (7) is relevant to the determination of the appeal scheme, and that therefore there would be a resulting policy conflict in this regard. This view is consistent with that taken by other appeal inspectors¹ in respect of different forms of built tourism accommodation which were considered to fall within the remit of Policy DEV15.
32. JLP Policy DEV24 specifically applies to development proposals within the Undeveloped Coast and Heritage Coast, aiming to protect their undeveloped and unspoilt character, appearance, and tranquillity. The policy confirms that development, including for the purposes of public access and enjoyment of the coast, will only be supported in the Undeveloped Coast, where, amongst other

¹ Refs APP/K1128/W/20/3260220, APP/Q1153/W/22/3303994 and APP/Q1153/W/22/3312197

- things, it can demonstrate that it requires a coastal location, and it cannot reasonably be located outside the Undeveloped Coast.
33. This policy does not specifically exclude previously developed land, such as the appeal site, from these requirements, where they are located within the designated policy area.
34. The above Policy DEV24 requirement accords with Policy DEV15 which explicitly gives support to camping, caravan, chalet or similar facilities *that respond to an identified local need*, (my emphasis) subject to not being located within the Undeveloped Coast Policy Area.
35. It is accepted that, as a proposal to add additional accommodation to an existing hotel complex, the proposal is appropriately located. There would also be advantages to the business because of the coastal location, including proximity to the sea and nearby beach and attractive scenic views enjoyed by the appeal site. However, such benefits, whilst making the appeal site a desirable location for the appeal scheme, do not in themselves demonstrate a need for the proposal to be located within this coastal location.
36. I consider that holiday accommodation of the type proposed is reasonably capable of being provided outside of the designated Undeveloped Coast. In this respect, the Council has referred to a number of settlements within the Plan Area near to the South Devon coastline which are specifically excluded from the Undeveloped Coast area, within which new tourism accommodation could be reasonably located. These include Salcombe, East Portlemouth and East Prawle, which are within the vicinity of the appeal site.
37. Moreover, the appellant has not provided substantive evidence to satisfactorily demonstrate that there is a need to expand the existing facilities at the Gara Rock complex. In this respect I find that data indicating a growing demand for tourist accommodation over a wider area, and the appellant's confirmation of a lack of hotels providing a similar tourism offering within the area, do not in themselves provide sufficient justification for the proposed development in the appeal site location.
38. In addition, the appellant's submissions in respect of site occupancy indicate that full occupancy of the complex is only likely on a few weeks of the year, thereby not providing decisive evidence of a need for the proposed expansion of the existing resort.
39. Having regard to all the above, the proposal does not accord with the Council's adopted settlement hierarchy and the appeal site does not comprise a 'suitable location' in accordance with Policy DEV15. The appellant has not provided cogent justification of an 'identified local need' for the accommodation in this location nor demonstrated that the proposal requires a coastal location and cannot reasonably be located outside the Undeveloped Coast. Moreover, no Sustainable Travel Plan has been submitted to mitigate the traffic impacts of the proposal.
40. The appellant has drawn my attention to an allowed appeal² for new holiday accommodation within the JLP area. I find that the circumstances in respect of that appeal are not directly comparable to those of the proposal before me, including in respect of the nature of the development, the location of the site

² Ref APP/Q1153/W/20/3265247

outside the Undeveloped Coast and in a compatible location in relation to the rural road network, a demonstrated local need for the proposal and a confirmed creation of additional jobs as a result of the scheme. As such, whilst this appeal is a material consideration, it does not alter my above conclusions, which are based upon the current appeal site circumstances and development proposal and the merits of the appeal scheme before me.

41. For the above reasons, I therefore conclude that the appeal site is not a suitable location for the proposed holiday units. As such, the development would conflict with the sustainability and rural tourism aims of JLP Policies TTV2, DEV15 and DEV24. It would not lead to a sustainable pattern of development and would therefore also conflict with the broader objectives of JLP Policies SPT1, SPT2, TTV1 and DEV29, which, amongst other things, set the wider approach to sustainable development across the plan area.
42. This accords with the objectives of the Framework of supporting sustainable transport (Paragraph 109), conserving and enhancing the natural environment (Paragraph 180) and promoting a prosperous rural economy (Paragraphs 88 and 89).

Carbon reduction

43. High level JLP Policy SPT1 is concerned with the delivery of sustainable development, including a requirement for environmentally conscious business development and the promotion of a low carbon economy. At a more detailed level, JLP DEV32 seeks to ensure that delivering a low carbon future for the plan area should form part of the design and implementation of all development. This is in support of a plan area target to halve 2005 levels of carbon emissions by 2034 as well as increase the use and production of decentralised energy.
44. Policy DEV32 requires that developments should be considered in relation to the 'energy hierarchy' set out within the policy which involves: i) reducing the energy load of the development; ii) maximising the energy efficiency of fabric; iii) delivering on-site low carbon or renewable energy systems; and iv) delivering carbon reductions through off-site measures. The policy requires developments to identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making the best use of existing buildings and infrastructure.
45. Section 10 of the appellant's Design and Access Statement, in support of the planning application, confirms a number of proposed sustainable design elements which would be installed within the scheme. These include roof materials, fenestration design and orientation, lighting design and water consumption reduction measures. As such, the appellant seeks to minimise the need for high energy demands in respect of the proposed buildings through a 'fabric first' approach. Other proposed sustainable initiatives include on-site biodiversity gain through landscape enhancements and a proposed third electric vehicle charging point.
46. These proposals align with the objectives of JLP Policies SPT1 and DEV32. However, having regard to the aforesaid objectives of these policies, I am not satisfied that the information provided by the appellant in relation to this

matter is sufficiently detailed as to provide adequate assurance that this matter is capable of being dealt with by means of a planning condition.

47. In coming to this view, I have had regard to the Council's 'DEV32 Form' which is referred to in the officer report and the appellant's statement of case. It is not a specific requirement within the wording of Policy DEV32 that this form be submitted with development proposals. However, the Council has confirmed that it is used in the planning application validation process, and its purpose is to provide a checklist of prompts to be used as a guide for applicants in respect of measures that can positively contribute to the carbon reduction requirements of Policy DEV32 in relation to minor development proposals.
48. I find that the list of carbon reduction appraisal measures set out in the DEV32 Form includes reasonable indicators by which to assess how the carbon reduction aims of the JLP would be satisfactorily addressed in connection with the appeal scheme. Whilst some of the criteria have been addressed in the Design and Access Statement, there remain a number which have not been adequately considered. These include details and sourcing of the proposed materials, any renewable energy technology, and how the proposal accords with the building regulations thermal efficiency standards.
49. Moreover, some aspects of the appellant's sustainability proposals lack sufficient precision, using terms such as 'aspirations', 'consider sustainable measures of construction wherever practical' and 'renewable energy sources will be considered'. Consequently, I am not reasonably satisfied, based on the evidence before me, that sufficient detail has been provided in respect of the likely carbon emissions which would result from the construction of the proposed development.
50. I have noted the appellant's frustration that the issue of carbon reduction was not raised by the Council as a concern during the validation of the planning application and during subsequent discussions that took place regarding required amendments to the scheme, and that a former planning officer had indicated to the appellant that the matter was capable of being dealt with by means of a condition.
51. However, the Council's processes during the planning application process are not a matter for the determination of this appeal, which I must consider on the merits of the scheme before me. Moreover, the appellant has had the opportunity to address this matter through its appeal submissions in respect of the third reason for refusal.
52. Neither am I persuaded, based on the evidence before me, that the additional information sought by the Council in respect of the construction of the appeal scheme, cannot be provided until the tender process after planning permission has been granted.
53. My attention has been drawn to other instances³ where a planning condition has been found to be an acceptable mechanism for dealing with this matter. However, I am not persuaded, based on the information before me, that these schemes are directly comparable with the appeal proposal, nor that a similar level of supporting information in respect of Policy DEV32 compliance was

³ Planning application Ref 3208/20/FUL and appeal decision Ref APP/Q1153/W/22/3312197

submitted. As such, these decisions do not alter my views on this matter, which are based on the current appeal submissions.

54. Having regard to my conclusions on the first main issue, I found that the appeal scheme would fail to provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles and incorporate travel planning, including Personalised Travel Planning which helps to maximise the use of sustainable transport in relations to the travel demands of the development and limit the impact of the development upon the road network.
55. The resulting high level of dependence upon private motor vehicles by the occupiers of the 3 proposed holiday units would intensify an existing pattern of development and would cause environmental harm because of increased car journeys and associated resulting increased carbon emissions. The appellant has not provided sufficient cogent evidence to demonstrate how these increased carbon emissions would be mitigated, as required by criterion 6 of JLP Policy DEV29.
56. I am not satisfied that the existing and proposed EVCPs would satisfactorily address this matter. The use of electric vehicles could not be guaranteed or required and the proposed Government ban on the sales of new petrol and diesel cars and vans is currently not planned to take place until 2035.
57. For the above reasons, I therefore conclude that the proposal would not meet the carbon reduction requirements of the development plan and would fail to comply with the aforesaid objectives of Policies SPT1, DEV29 and DEV32 of the JLP.
58. For similar reasons, the proposal would be contrary to policies of the Framework which support planning for climate change, including supporting the transition to a low carbon future, as set out in Chapter 14.

Tranquillity

59. Policy DEV24 only allows development which would have a detrimental effect on the undeveloped and unspoilt character, appearance, or tranquillity of the Undeveloped Coast in exceptional circumstances. These include where it can be demonstrated that the development requires a coastal location or where the development cannot reasonably be located outside the Undeveloped Coast. My conclusions in respect of the first main issue have confirmed why I do not consider that the above exceptional circumstances apply.
60. There is no dispute between the parties that the detailed design of the proposal is acceptable and that, subject to planning conditions, including appropriate materials for the new units, and securing an appropriate landscaping scheme, it would not have a detrimental impact upon the landscape visual character of the Undeveloped Coast. The Council's concern relates to impact upon tranquillity.
61. The supporting text to JLP Policy DEV24 states that Undeveloped Coasts have been designated for the plan area to conserve their undeveloped character. The part of the South Devon coast in which the appeal site is located has an unspoilt, wild, rugged, and tranquil nature. Within this natural landscape environment, I find that the appeal site stands out as an anomaly in respect of its built-up environment and the existing intensity of activity associated with the holiday resort use of the site.

62. As such, the site already notably erodes the peacefulness of this part of the Undeveloped Coast. This is because of factors including the use of the outdoor site facilities, including pools and bar and restaurant outdoor areas, guests accessing the nearby beach via a direct footpath route from the appeal site, comings and goings of vehicles along the highway access roads, on-site car movements, and noise emanating from within the building, particularly in warm weather when windows and doors tend to be open.
63. By providing 3 additional holiday units the proposal would add to the existing on-site activity, thereby potentially resulting in the site having a greater effect upon the tranquillity of this part of the Undeveloped Coast because of increased guest use of the site.
64. In considering this matter, I have taken into account that the site facilities are also open to use by non-residents, and that this is a requirement of a legal agreement attached to an historic planning permission.
65. As such, I find that there is an element of noise that cannot easily be quantified, as it is partially dependent upon the amount of non-resident use, which in turn is related to booking levels for facilities such as the spa and restaurant, or the amount of non-booked walk-ins to the bar and restaurant by passers-by traversing the South-West Coast Path.
66. Within this context of existing high levels of noise associated with the site and the available wider use of the site other than by hotel residents, and noting that the proposal does not include any additional on-site facilities, I find that there is insufficient evidence before me to demonstrate that any additional noise as a result of the occupation of the 3 proposed units would intensify the existing noise levels emanating from the site to such an extent that it would demonstrably harm the tranquillity of this part of the Undeveloped Coast.
67. For the above reasons, given the particular circumstances of the appeal site, I therefore conclude, on the basis of the evidence before me, that the appeal scheme would not impact upon the tranquillity of the Undeveloped Coast to such an extent that would result in material harm which would warrant refusal of the proposal. As such, the proposal accords with JLP Policy DEV24, in so much as this policy seeks to protect the tranquillity of Undeveloped Coasts.
68. The Council's second reason for refusal also refers to JLP Policy DEV15 in relation to an overall presumption against new tourism development within the Undeveloped Coast policy area, linking this restriction to a means of precluding an incremental erosion of the character of the coast because of an increase in the use of the site and the roads serving it.
69. Policy DEV15 is a proactive policy which seeks to support proposals which would support the rural economy, subject to the proposed location being suitable. As such, I have already considered this matter under the first main issue, and my aforesaid conclusion in respect of non-compliance with the JLP settlement strategy does not alter my above conclusion on the third main issue.

Other Matter

70. The appellant considers that planning permission Ref 3208/20/FUL, granted on 4 December 2020, justifies allowing the appeal proposal, since in granting that permission, which also amounted to 3 additional holiday apartments on the

site, the Council did not raise the JLP policy objections currently cited in respect of the appeal scheme. As such, the appellant's view is that in the interests of consistency of decision-making, the appeal should be allowed.

71. The approved scheme, which has been implemented, involved the subdivision of 3 existing apartments into 6 smaller studio apartments. No additional buildings or floor space was proposed, and there was a reduction in the number of bedrooms as a result of replacing 2 x 3-bedroom and 1 x 2-bedroom apartments with 6 x 1-bedroom studios. As such, the approved scheme had a notably different impact in terms of likely carbon emissions, with this matter having been dealt with by condition in response to the appellant submitting a Policy DEV32 compliance statement with the planning application.
72. The former permission was granted under the Council's delegated powers and having regard to Policies DEV15 and DEV24, the evidence before me is that in determining that application the Council provided no in-depth analysis within its officer report to confirm how the proposal was considered to accord with their requirements. A failure on the part of the Council to address these policies when determining a previous application does not justify approval of a current scheme which is in conflict with the policies.
73. Moreover, the Council, in its appeal submissions, has drawn my attention to a number of appeal decisions issued after the December 2020 permission, which give a clear indication as to how various appeal inspectors have dealt with Policies DEV15 and DEV24, and support the Council's approach in respect of the current proposal. These are material considerations in the determination of the current appeal, which were not available to the Council at the time of the former approval.
74. The site planning history is a material consideration to be considered in the determination of this appeal. However, given the above, in this instance, I find that, notwithstanding that the previous permission was determined under the current development plan policies, the circumstances in respect of that planning permission are sufficiently different to those of the current appeal proposal, so as not to justify allowing this appeal.

Planning Balance

75. The Council has raised no objections in respect of matters including detailed design, landscape visual impact, neighbour living conditions, highway safety, parking and public right of way, flood risk and drainage, heritage and on-site ecology. Also, I have found no material harm in respect of the impact of the development upon the tranquillity of the Undeveloped Coast. In terms of the planning balance, the lack of identified harm is a neutral factor.
76. There would be economic benefits from the construction of the holiday units and longer-term economic and social benefits from their subsequent use. However, these would be modest, having regard to the small-scale nature of the development in relation to the existing hotel complex. The proposal would also result in modest landscape and biodiversity enhancements to the site, subject to planning conditions, and improved access to the South-West Coast path.
77. However, the harms I have found in respect of the undermining of the Council's plan-led approach to the delivery of tourist accommodation and its carbon

reduction objectives are significant and are not outweighed by the stated benefits.

Conclusion

78. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan.

79. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

APPEARANCES:

For the appellant:

- Mr Paul Harwood – Associate Director, Avison Young
- Mr Harry Bailey – Planner, Avison Young
- Jo Tiernan – General Manager, Gara Rock Hotel

For the Local Planning Authority:

- Mr Peter Whitehead - Principal Planning Officer, South Hams District Council

Others

- Mr Leslie Pengelly