



Appeal Decision

Site visit made on 7 August 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/Q1153/W/24/3341347

Preston Moor, Inwardleigh, Okehampton, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Kneebone, RK Holdings Ltd, against the decision of West Devon Borough Council.
 - The application Ref is 1314/23/OPA.
 - The development proposed is described as Outline application for up to four holiday units & stable block including access (all other matters reserved).
-

Decision

1. The appeal is allowed and planning permission is granted for up to four holiday units & stable block at Preston Moor, Inwardleigh, Okehampton, Devon in accordance with the terms of the application, Ref 1314/23/OPA, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. I have referred to the description of development within my decision only insofar as it relates to the development proposed. In addition, as the planning application form contained no address for the appeal site, I have used that included in the appeal form.
3. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters of scale, appearance, landscaping and layout.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location, with particular regard to development plan policies in relation to need and accessibility; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

5. The appeal site is part of what appears to currently be an agricultural field. It is accessed via a field gate leading from a narrow winding lane with no street

- lighting or footways. Due to its remote position away from built form and any settlement, the site is in an isolated, countryside location.
6. Policy TTV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) sets out that isolated development in the countryside will be avoided and only permitted in exceptional circumstances. The proposed development would be located on land (and associated) with an approved, extant equestrian scheme. However, whilst the proposed relationship between the appeal proposal and equestrian track inevitably leads to the site's rural setting, and an equestrian use may typically be associated with a rural location, it has not been put to me that the appeal proposal would meet any of the examples detailed in Policy TTV26 policy or constitute exceptional circumstances. The available evidence does not indicate otherwise.
 7. The distance to the Lamerton Cross bus stop, which provides good connections to various settlements, is not significant. However, the lack of lighting and separation from vehicular traffic, combined with the limited visibility along the lane, means that walking between the site and bus stop would not be particularly appealing or safe, particularly in the dark. Given the site's distance to services and facilities in the surrounding area, and the highway conditions on the local highway network, including the A386 and smaller back lanes, it is likely that most occupiers would also not consider walking, cycling or horse riding to be suitable options to access local facilities and services. The presence of footpaths and bridleways in the locality, allowing for recreation and exploring the area on foot or horseback, do not lead me to a different conclusion.
 8. Accordingly, the development cannot be described as well served by public transport or, except for recreational purposes, walking, cycling or other non-vehicle modes. I accept that this may be the case for rural areas in general. The National Planning Policy Framework (Framework) recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas; and, similar to the JLP, sets out that sites meeting local business needs in rural areas may, amongst other aspects, have to be found beyond existing settlements and in locations that are not well served by public transport. The Framework also seeks to support prosperous rural economies by seeking planning policies and decisions which, amongst other things, enable sustainable rural tourism.
 9. In addition, with occupiers of the holiday units, once at the site, not needing to travel to use the equestrian track, the proposed development may reduce some vehicle trips associated with the approved equestrian scheme. Nevertheless, the limited alternative transport options available mean that occupiers of the units would be likely to be highly reliant on the private vehicle to serve their daily needs and to access services and facilities in the surrounding area. Consequently, the proposed development cannot reasonably be described as delivering a sustainable rural tourism development, enabling access to local services and amenities by non-vehicle modes, and having no adverse environmental impact.
 10. JLP Policy DEV15 sets out that chalet or similar facilities that respond to an identified local need will be supported subject to, amongst other aspects, the proposal having no adverse environmental impact. However, whilst the proposed development might compliment the adjoining and other nearby equestrian facilities, the submitted evidence is insufficient to demonstrate that

the proposed holiday units would respond to an identified local need. The reference to interest from a local equestrian centre in leasing the site with holiday units does not lead me to a different conclusion. In any event, as detailed above, my findings indicate that the proposal would also have an adverse environmental impact.

11. The extant equestrian scheme includes an equestrian track, exercise areas and associated parking for 28 vehicles, with the appeal site containing the approved hard surfaced exercise and car parking areas. There are likely to be numerous vehicle movements associated with that use. Relative to this, vehicle movements associated with the appeal proposal would not be significant, and it has not been alleged that the proposed development would result in unacceptable traffic impacts.
12. Accordingly, it seems to me that a sustainable travel plan covering the development's traffic impacts, as set out in part 8 ii) of JLP Policy DEV15, is not necessary in this instance. However, the submitted travel plan sets out how a reduction in private vehicle use would be encouraged, that guests would be provided with information on using public transport and active travel, and that electric vehicle charging would be provided. This would, amongst other aspects, help to maximise the use of sustainable transport in relation to the travel demands generated by the development and mitigate the environmental impacts of transport. On this basis, and given the development's scale and the likely resulting travel demands, this is sufficient in relation to JLP Policy DEV29. The provision of electric vehicle charging could also be secured by condition, with the details confirmed in plans submitted at reserved matters stage.
13. Nevertheless, for the above reasons, I conclude that the proposed development would not be in a suitable location, with particular regard to development plan policies in relation to need and accessibility. I therefore find that it does not accord with JLP Policies STP1, SPT2, TTV1, TTV2, TTV26 and DEV15. Amongst other aspects, these set out that growth will be delivered according to a hierarchy of settlements, with development in the countryside only permitted under exceptional circumstances and if it supports the principles of sustainable development and sustainable communities; support the delivery of sustainable rural tourism developments that respond to an identified local need and have no adverse environmental impact; seek to manage change in accordance with various sustainable development principles, including with respect to the availability of sustainable and health-promoting transport options; require safe, secure walking, cycling and public transport access to local services and amenities, and set out that development should support the creation of communities which are well served by those modes of transport.
14. The Council also alleges a conflict with JLP Policy DEV32 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Character and appearance

15. With limited built form in the surrounding area, the site is within a relatively remote and wild rural landscape which is dominated by fields and vegetation. The proposed holiday units and stable block would introduce buildings into the largely undeveloped locality and could also lead to noise and artificial lighting in what is likely to be a relatively tranquil area.

16. At the time of my site visit, I observed little in the way of built form on the site, which appeared to form part of the wider agricultural field. However, the approved equestrian scheme includes hard standing for a horse exercise area and the parking of 28 vehicles on the site; and with development of the approved scheme having commenced, these aspects could be lawfully progressed at any time. The submitted evidence also indicates that there is no restriction on times of use or the numbers of users of the equestrian facility, and the appellant indicates that users could, without the need for additional planning permission, stay in horsebox accommodation for example when visiting the facility.
17. The above situation is realistic and could occur if the appeal is not approved. It seems to me that this, rather than the undeveloped situation, is therefore the appropriate starting point for assessing the effect of the appeal proposal on the character and appearance of the surrounding area. On this basis, the proposed development would not change the site – or the intensity of use on it – as much as it appears.
18. The proposed development would be relatively modest and would not result in a significant change in the level of activity on the site compared to the extant scheme. Subject to future detailed design covering the reserved matters of scale, layout and appearance, the proposed buildings could also be of a suitable scale and designed and laid out to appear as sensitive, unobtrusive features in the rural area. In coming to this view, I have taken account of the development pattern in the locality. In addition, the extent of any on-site lighting can be controlled by condition; and given the number of holiday units proposed, noise associated with the development would be relatively limited and would not harm the area's overall tranquillity.
19. Although the surrounding landscape is described as exposed, the significant presence of hedging around field boundaries and along the lane means that the site is not particularly visible in public views. The proposed development would therefore generally only be visible from the public realm in glimpsed views from the site access. With landscaping also reserved for future consideration, and the indicative plan showing the retention of field boundary hedges/trees and scope for further planting, detailed design could ensure the site was not dominated by development and continued to respect its natural surroundings.
20. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with JLP Policies DEV20 and DEV23. Amongst other aspects, these expect development of a good design that respects, conserves and contributes positively to landscape and scenic quality.

Other matters

21. Various appeal decisions have been put to me by both the appellant and Council in support of their cases. Although the decisions are noted, the available evidence indicates that the circumstances are sufficiently at variance that I have judged this appeal proposal on its individual merits.
22. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as the site's proximity to the Site of Special Scientific Interest; the quality and loss of agricultural land; ground suitability and groundwater issues; ecological impact including on

culm grassland; and the proposed development disrupting farming activities and livestock. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Planning Balance

23. I have found that the proposed development would not be in a suitable location, with particular regard to development plan policies in relation to need and accessibility. The resulting conflict with various JLP policies leads me to conclude that the proposed development, despite its accordance with some development plan policies and parts of others, conflicts with the development plan as a whole.
24. However, in this instance, planning permission for the equestrian scheme includes hard standing for vehicle parking and a horse exercise area on the appeal site. With that scheme having begun, the appeal proposal would therefore essentially make use of previously developed land. With the extant scheme not providing formal overnight accommodation, most visitors would likely need to travel to and from the site to use its facilities; and with parking for some 28 vehicles, that scheme, with its lack of restrictions on times of use or the numbers of users, could clearly result in quite a few vehicular movements. Relative to this, with the appeal proposal providing a modest and controllable level of accommodation of up to four units, vehicular movements associated with the proposed development would not be significant and would be unlikely to equate to those associated with the approved equestrian scheme. With occupiers of the holiday units, once at the site, not needing to travel to use the equestrian track or elsewhere to stable their horses, the development may also reduce some trips associated with the extant scheme.
25. In addition, the proposed development would provide employment opportunities (such as managing, maintaining and cleaning the site), whilst occupiers of the holiday units would be likely to use some local services and facilities. Furthermore, with the appeal proposal clearly associated with the approved scheme, occupiers of the proposed holiday units would be likely to make use of the existing equestrian facilities during their stay or even come specifically to do so. Combined with the local equestrian centre's interest in leasing the site with the holiday units, the proposed development would therefore directly compliment and support other existing local businesses and thus help to develop and diversify the rural economy. As shown on the submitted illustrative plan, ecological enhancement would also be provided.
26. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. However, in this instance, I find that the above material considerations outweigh the conflict with the development plan and carry sufficient weight to warrant a decision otherwise than in accordance with it.

Conditions

27. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning

Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.

28. The conditions I have imposed covering reserved matters are necessary to secure details of the outstanding matters prior to the development proceeding. However, much of the Council's third suggested condition covers matters which are either already detailed in the submitted plans (such as means of access from the highway) or are the subject of reserved matters. For clarity, consistency and to avoid unnecessary detail and duplication, I have therefore amended the Council's two suggested conditions on this topic. I have however included a separate condition requiring submission of a construction and environmental management plan as per part h of the Council's third suggested condition because that matter is not covered elsewhere and is necessary for highway safety and the environment.
29. In the interests of certainty, I have imposed a plans condition. Conditions 6, 7 and 8 are necessary in the interests of protected species, ecology and biodiversity net gain. I have also imposed a lighting condition in the interests of ecology and the character and appearance of the surrounding area. I have however amended the Council's suggested lighting condition for clarity and consistency. The conditions covering surface water and foul drainage are necessary to safeguard the public and the environment.
30. Condition 12 is necessary to ensure highway safety and the provision of adequate facilities for vehicles. A condition restricting occupation of the units as holiday accommodation is necessary to prevent their use as unrestricted dwellings in the countryside, in accordance with the development plan strategy for the delivery of housing. However, I have declined to impose the Council's suggested conditions covering solar panels, air source heat pumps and permitted development rights because these would more appropriately be considered at reserved matters, with any further details or restrictions secured by condition at that stage if necessary.

Conclusion

31. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; and Access and Visibility Splays.
- 5) Prior to the commencement of the development hereby permitted, a Construction and Environmental Management Plan, including details of environmental protection throughout the construction phase, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and thereafter retained and maintained as relevant in accordance with those details.
- 6) Prior to the commencement of the development hereby permitted, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 7) Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) for the wider Preston Moor County Wildlife Site shall be submitted to and approved in writing by the local planning authority. The LEMP shall be prepared by an appropriately qualified professional and shall include long term design objectives, management responsibilities and maintenance schedules. The development shall be undertaken in accordance with the approved details and retained and maintained in accordance with those details for the period specified in the maintenance schedules.
- 8) The development hereby permitted shall be carried out in accordance with the actions set out in the submitted Ecological Impact Assessment by Devon and Cornwall Ecology (dated April 2023, Reference Number DCE1519). This condition shall be discharged when the consultant ecologist confirms in writing to the local planning authority that the recommendations have been implemented.
- 9) Prior to the installation of any external lighting on the site, full details including height, design, location, intensity and duration shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 10) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The

submitted drainage scheme shall include the following design steps and details as necessary:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
 2. If infiltration is suitable, then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
 3. If infiltration is not suitable, then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%).
 4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
 5. A scaled plan showing the full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
- The drainage scheme shall be installed in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter retained and maintained in accordance with the approved details for the life of the development.

- 11) Foul water drainage shall be provided prior to occupation of the holiday units hereby permitted by means of connection to a package treatment plant which shall comply with the requirements of BS EN 12566. Once installed, the foul drainage system shall be retained and suitably maintained for the lifetime of the development.
- 12) Prior to occupation of the development hereby permitted, the access, visibility splays, access drive, parking facilities, electric vehicle charging points and turning area shall be provided and maintained in accordance with the approved application drawings and thereafter retained for their intended purpose at all times.
- 13) The holiday units hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence. The owners/operators shall maintain an up-to-date register containing details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation, and shall make the register available for inspection by the local planning authority upon request.

END OF SCHEDULE