



Appeal Decision

Site visit made on 12 September 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/U1105/W/24/3345720

Ivy Green Farm, Chardstock, Devon EX13 7BY

- 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 Paul FitzHenry against the decision of East Devon District Council.
 - The application Ref is 23/2548/COU.
 - The development proposed is change of use of existing annexe accommodation to enable dual use as either annexe and/or holiday accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Paul FitzHenry against East Devon District Council. This application will be the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, taking account of access to services and facilities.

Reasons

4. The appeal site is located within the small village of Chardstock. Within the village there are very few services and facilities that would likely be of use to holiday makers although there is a local shop and church. The community hall in the village does appear to hold a variety of events although these are clearly aimed primarily at local residents.
5. In order to access most of the services and facilities that a holiday maker might rely on, including public houses and supermarkets, they would inevitably have to travel further afield. The nearest bus stop is located on the A358. It is some distance from the appeal site and can only be accessed by walking or cycling along a narrow, unlit lane with no pavement. The use of sustainable forms of transport to access facilities further afield, and to access the holiday accommodation itself, is therefore highly undesirable. It therefore seems inevitable that users of the proposed holiday accommodation would be largely reliant on the use of the private car during their stay, including to access the various leisure destinations that they may wish to visit.
6. The existing building on the appeal site has been used as an annexe to the main dwelling for the last few years. It is therefore the case that it will have

been used by family and friends and that there would have been car trips associated with this use. However, there is a likelihood that any such trips would often be made in conjunction with the occupiers of the main dwelling, including by using the same vehicle.

7. The use of the building as holiday accommodation, even for only part of the year, would therefore inevitably lead to additional trips, over and above the existing situation. The appellant has produced a Transport Note (Bellmay Transport Consultancy, 2023) in support of their application. The Note sets out that the proposed use would only generate two trips across an entire day. However, while this might be the case, the nature and length of those trips are likely to be quite significant at times, particularly when travelling to tourist destinations in the wider area. Therefore, while a reliance on private vehicles can be expected to some degree in rural locations, I am of the view that the proposed change of use would exacerbate the current situation to an unacceptable degree, and that this would constitute harm.
8. Taking these factors into account, I conclude that the proposed development would not be in a suitable location, taking account of access to services and facilities. It would therefore conflict with Policies D8, E16, TC2 and Strategy 5B of the East Devon Local Plan, 2016 (LP). Taken together, the relevant aspects of these policies seek to ensure that new development, including holiday accommodation, is located in sustainable areas, close to service and facilities, and that it can be accessed by walking, cycling and by using public transport.

Other Matters

9. The appellant has sought to draw my attention to a very recent appeal decision¹ where it was concluded that LP Policy D8 is not in conformity with the National Planning Policy Framework and can therefore be considered to be out of date. The reasoning provided within that decision appears decisive and I have no reason to disagree with the Inspector on that issue, particularly as there is little evidence to the contrary. However, even if I were to discount Policy D8 from my consideration, it appears to me that Policy E16 is of most relevance in this appeal given that it concerns the provision of holiday accommodation. Given that I have found conflict with Policy E16, among others, the lack of weight that can be attributed to Policy D8 does not therefore lead me to reach a different conclusion.
10. I have also been provided a copy of a decision made by the Council in 2017² where a very similar proposal in Chardstock was granted planning permission. However, while that might be the case, the decision was made some time ago and I do not find it unreasonable that the Council may wish to interpret its policies slightly differently now, particularly in light of other decisions and the increased sense of importance of the effects of climate change and the role that good planning has in mitigating them.
11. Furthermore, the Council has presented a more recent appeal decision³ which I do find to be directly comparable to the case before me. Indeed, in both instances, the villages contain very few facilities for holiday makers and, most importantly, do not have adequate access to public transport links. The fact

¹ APP/U1105/W/23/3333745

² 17/0873/FUL

³ APP/U1105/W/23/3318815

that Chardstock has a church, community hall and a small shop does not change my view that users of the holiday accommodation would be highly reliant on the private car to access most services and facilities. In any event, the fact that the Council approved the previous application does not provide adequate reasoning for me to allow this appeal in circumstances where I have identified harm.

12. An additional planning permission presented to me by the appellant⁴ is not directly comparable in my view. Crucially, in that instance, the site has much better public transport links to enable occupiers to access services and facilities in a sustainable manner.
13. The appellant has also noted that Chardstock is identified as a location that is suitable for some growth within the emerging local plan. However, the plan making process is at an early stage and the relevant policies have not been examined. As such, it is appropriate to attribute very limited weight to these emerging proposals, and this matter does not therefore overcome the harm that I have identified.
14. Finally, the appellant has questioned whether the Council's spatial strategy should be considered out of date given the findings of an Inspector during an appeal for a site in Clyst Honiton⁵. There is no need for me to comment on that appeal directly, however, the very clear thrust of the adopted local plan, and the National Planning Policy Framework, is to direct development to sustainable locations. I have set out why that would not be the case with regards to the appeal before me.

Planning Balance and Conclusion

15. The appellant has noted that the proposal would not conflict with LP Policy E5 which encourages the provision of small-scale economic development in rural areas. While that may well be the case, it does not change the fact that there would be conflict with other LP policies, and that therefore the proposed development would conflict with the development plan when considered as a whole.
16. Whilst the provision of one new unit of tourist accommodation would have some economic benefits for the local area, given the small-scale nature of the scheme, any such benefits are likely to be very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR

⁴ 23/0158/FUL

⁵ APP/U1105/W/21/3279651