



Appeal Decision

Site visit made on 24 September 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/K1128/W/24/3341153

Briar Hill Farm, Court Road, Newton Ferrers PL8 1AR

- 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 & Mrs S McCready against the decision of South Hams District Council.
 - The application Ref is 3993/22/FUL.
 - The development proposed is Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development used in the banner heading above is taken from the Council decision's notice rather than the application form as the proposal was amended by the appellants prior to validation of the planning application to include solar panels and re-siting of gas tanks.

Main Issues

3. The main issues are:
 - whether the proposed development meets an identified and essential local need to justify its countryside location;
 - whether the proposed development provides satisfactory surface water drainage; and
 - the effect of the proposal on landscape character, including the South Devon National Landscape, Undeveloped Coast and Heritage Coast areas.

Reasons

Countryside location

4. The proposal seeks to expand an existing holiday park, comprising 24 holiday lodges, with a further ten lodges. The existing park and the proposed extension to it lie outside but adjacent to the settlement boundary for Newton Ferrers as defined under Policy N3P-1 of the Newton and Noss Neighbourhood Plan 2018 (the NP). It is therefore in the countryside for planning purposes. Policy N3P-1

- (b) of the NP sets out that outside settlement boundaries development will only be permitted in exceptional circumstances and where it will meet an essential local need which cannot otherwise be met including securing a viable long term future for a valued local asset which would otherwise be lost and where it complies with the relevant strategic policies of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted 2019 (the JLP).
5. Policy TTV26 of the JLP is concerned with development in the countryside. Part 2 of the policy sets out certain criteria that should be met in relation to development in the countryside. Relevant to this appeal is criterion (iv) which states that development proposals should respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
 6. It is not disputed that holiday accommodation can be a compatible use within the countryside. The proposal would provide short-term tourist accommodation for visitors to the area. The value of such accommodation is recognised in the NP as it helps to reduce the use of existing housing stock as second or holiday homes which has a detrimental effect on housing supply for local people within the area. Notwithstanding this, the NP does not anticipate that any new developments of commercial holiday properties will be acceptable in the National Landscape and Undeveloped designated countryside. Nevertheless, the proposal could alleviate pressure on housing stock locally and this carries moderate weight in favour of the scheme.
 7. Evidence from local and national commercial holiday letting agents has been submitted which demonstrates demand for existing and new holiday lodge accommodation in the locality. Given the location and its appeal to holidaymakers, there is little reason to doubt that there is demand for such accommodation in this area. However, 'demand' for tourist accommodation is not the same as an essential local 'need'. I am not satisfied that this evidence is indicative of a 'need'. This therefore does not justify the proposal.
 8. The existing business provides short-term tourist accommodation, with 16 of the existing lodges retained for short-term rental throughout the year. Letters of support from a few local businesses have been provided evidencing the value attributed to the holiday park, notably in respect of short-term holiday lets, in helping to sustain their businesses throughout the year. The Council asserts that the lodges, if used as second homes, may be left empty for weeks or months at a time thereby limiting their economic contribution locally. A condition could be imposed to secure these as short-term lets only which may address this point about vacancy. However, I have no evidence of likely occupancy levels either in respect of the existing short-term lets on the site or projected occupancy lets for the proposed units. I am therefore unable to establish whether this would result in the lodges being occupied frequently throughout the year and therefore the extent to which they would lead to associated economic benefits locally.
 9. The appellants have argued that the proposal is required to support the economic viability of an existing rural business. An undated letter from their accountants briefly explains fluctuations in the business's profitability associated with sales and rentals of lodges, additional demands for services on the site to be provided and why the expansion of the business is necessary. However, the detail around this is limited with no explanation as to how additional lodges would help make the company more sustainable. Thus, on the

information before me, I am not satisfied that a compelling need for the expansion of the business has been demonstrated nor that without this, the business would fail.

10. I recognise that the existing holiday park generates both direct and indirect employment with associated with economic benefits. Its expansion, including during the construction phase, would increase these benefits.
11. The appeal proposal would be an expansion of a local business. Policy N3P-13 of the NP supports the expansion of established businesses stating that where these occur outside settlement boundaries proposals would need to comply with Policy N3P-1 b) as referred to above. The existing business is outside of the settlement boundary, but adjacent to it and in walking distance of the services and facilities within the village. The appellant has stated that there are few options for expansion of the business within the defined settlement boundary. Given the land required and the need to be close to the existing business, this does not appear unreasonable. The National Planning Policy Framework (the Framework) recognises that in rural areas sites to meet local business needs may need to be found adjacent to or beyond existing settlements. However, in the absence of evidence that this is an essential requirement to secure the long term viability of the business, I can only give this limited weight.
12. Policy DEV24 states, amongst other matters, that development will only be permitted in the Undeveloped Coast and Heritage Coast where it can demonstrate it reasonably requires a coastal location. There is nothing before me that supports the need for a coastal location, although I recognise this makes the park attractive to holidaymakers and tourists.
13. The appeal site was once a camping site as acknowledged within the NP. It is denoted as such on a map within the NP. However, this does not confer upon it any allocation of land or lawful use of the land for such purposes. This does not therefore lend support for the proposal before me.
14. Drawing together my assessment as to whether exceptional circumstances to justify the location have been demonstrated. The proposed lodges would make a contribution to the local economy both through employment on site as well as spending in local businesses throughout the year to varying degrees. The proximity of the site to the settlement means that access to these local services and facilities would be walkable from the site. In addition, the provision of short-term holiday accommodation would alleviate some of the demand for local housing stock to be used for such purposes, to the benefit of the local community. These are public and community benefits of the scheme, although unquantified. The scheme may support the ongoing viability of the existing business, which would be a private benefit to the owners but this has not been satisfactorily demonstrated.
15. I accord these benefits moderate weight in favour of the proposals. However, I have not been provided with sufficient evidence to conclude that there is an essential and identified need for the proposed development that would amount to exceptional circumstances to justify the development in this countryside location.
16. Consequently, the proposed development would conflict with Policies SPT1, SPT2, TTV1, TTV26, DEV15 and DEV24 of the JLP with together and amongst

other things permits development in the countryside where it can support the principles of sustainable development and the spatial strategy, allowing growth of the rural economy including of chalet or similar developments where there is an identified local and the development is not located in the Undeveloped Coast policy area. It would also not accord with Policy N3P-1 of the NP as referred to above.

Drainage

17. The appeal site is located on a steep slope which falls to the south where there are residential properties. In order to deal with surface water drainage and to avoid causing flooding elsewhere, the appellants propose the use of soakaways. They have used percolation tests carried out in June 2018 to support the use of this method although due to the age of these tests, it is agreed that they would need to be retaken. The matter in dispute is whether this could be addressed through a pre-commencement condition or whether this information is needed in advance of any planning permission being granted.
18. The appellants have stated that there has been no change to the ground conditions at the site since the original percolation tests were undertaken. I have no evidence to contradict this. However, the Council has highlighted other concerns in respect of the test pit location, the site gradient and how this may affect the viability of the use of soakaways and permeable surfacing for the parking and access roads, and the proximity of proposed soakaway location 3 to established trees and hedge boundaries.
19. In view of the steeply sloping nature of the site, its proximity to residential development downslope and the extent of development on the site, in this instance it would be appropriate for these matters to be determined in advance of any permission being granted. Furthermore, neighbouring occupants directly south and downslope of the site, have raised concerns that existing drainage and water courses are not fully shown on the proposed drawings which adds to my concern that matters in respect of drainage need to be addressed prior to any permission being granted.
20. I appreciate that the Council previously agreed that this matter could be dealt with through a pre-commencement condition. However, prior to making a decision on the application their position changed and a decision was made on that basis. In any event, I have reached my own conclusions on this matter.
21. In the absence of up to date and detailed information, I am not satisfied that it has been demonstrated that the appeal proposal would provide satisfactory surface water management. It would therefore conflict with Policy DEV35 of the JLP and Policy N3P-6 of the NP which together development to incorporate sustainable water management and require surface water from proposed development to discharge in a separate surface water drainage system in accordance with a hierarchy for its management.

Landscape Character

22. The site lies within the National Landscape and the designated Undeveloped Coast and defined Heritage Coast areas. It is also within the Open Coastal Plateaux Landscape Character Type (LCT). The area around the site exhibits typical characteristics of the LCT with open, elevated and exposed farmed

landscape closely juxtaposed with river and stream valleys, with picturesque villages within coastal combes, and with some development associated with tourism and recreation. The landscape has a high scenic quality reflected in its designation as a National Landscape.

23. The submitted Landscape and Visual Impact Assessment (LVIA) identifies that both the landscape character and visual amenity of the wider area have a high-medium sensitivity. I concur with these conclusions.
24. The existing holiday park is located behind the built form along Court Road. Several lodges are positioned on the gently sloping land that rises away from the road. A substantial barn / storage building is positioned at the rear of the existing holiday park and to the side of the field proposed for the new lodges. As the built-up area peters out the landscape gives way to open fields and pockets of trees, rising more steeply where the appeal site is located at the rear of the existing park. A small area of open land and trees separating it from the residential gardens to the south.
25. The southern portion of the site which is relatively well screened behind nearby roof tops and vegetation would accommodate the proposed lodges. The northern part of the site, which would remain undeveloped, is more widely visible from the surrounding landscape where it is viewed in the context of surrounding neighbouring pastoral fields. The characteristic boundary hedge banks and trees also restrict visibility of parts of the site, in places these are overgrown and elsewhere, there are gaps which detract from their appearance. The scheme proposes landscaping and planting which, provided appropriately secured through a planning condition, would address this and enhance the appearance of the site.
26. The lodges have been designed with a low pitched roof to help them sit low on the site and largely concealed from public view which would assist in assimilating them into the landscape. Due to the design, siting and landscape enhancements, the proposal would respond appropriately to the surrounding context. There would be some additional lighting arising from the development but this could be controlled through an appropriately worded condition. This lighting would also be limited due to the vegetation screening and being viewed in the context of the existing village. It would not be widely visible and therefore limited change to the landscape would be apparent. It would therefore conserve and, to a limited extent through the proposed planting, enhance the landscape and scenic beauty in the National Landscape to which I attribute great weight as required by the Framework.
27. It would therefore accord with Policies DEV23, DEV24 and DEV25 of the JLP and Policy N3P-1(c) and N3P-9 of the NP. These require, amongst other things, development to conserve and enhance landscape, protect and maintain the unique landscape of the Undeveloped Coast and Heritage Coast and the National Landscape, reinforce local landscape character and for any development outside the settlement boundary to be in keeping with its site and surroundings.

Other Matters

28. The appeal site lies within the Zone of Influence for the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special

Protection Area) (the EMS). These sites are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The proposal would give rise to additional recreational pressures upon the EMS unless suitably mitigated.

29. The appellants have submitted a draft unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) (the UU) which makes provisions for financial contributions towards mitigation. The UU has not been executed as a deed but the Council has indicated that, if completed and monitoring costs revised, would provide the required contribution to mitigate harm in accordance with the Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme.
30. In the event the appeal were to be acceptable in all other respects, as the competent authority I would need to carry out an appropriate assessment under the Regulations. However, as I am dismissing the appeal I do not need to consider this matter further.
31. The proposed lodges would be locally constructed in Devon by a firm with strong ecological policies. They have been designed to be thermally efficient with energy generated through PV panels on the roof of the existing on site storage building. They would also make use of rainwater harvesting, minimise the use of non-renewables and carbon emissions. Two publicly accessible EV charging points are proposed near to the site entrance as a community benefit.
32. The landscaping proposals and additional ecological enhancements would help to achieve biodiversity gains across the site.
33. Safeguards would be in place during the construction phase which would prevent environmental damage or local nuisance. This could be secured through a planning condition.

Planning Balance

34. The proposal would be development in the countryside that would not accord with the spatial strategy. An identified and essential need has not been justified. In addition, the proposal has not demonstrated that satisfactory provision can be made in respect of surface water drainage, and would therefore be harmful in this regard. I attach great weight to these matters.
35. Weighed against this, the scheme would not harm the character or appearance of protected landscapes. This is a neutral factor in the balance.
36. The scheme would deliver a range of modest economic, environmental and social benefits as outlined above. I attribute moderate weight to these. However, my overall finding is that these benefits do not outweigh the harm that I have found. The proposal therefore conflicts with the development plan as a whole.

Conclusion

37. For the reasons set out above, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR