



Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/W1145/W/24/3355763

Shangri-La, Anglers' Paradise, Halwill Junction, Beaworthy, Devon EX21 5XT

- 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 Joe Drury of Anglers' Paradise against the decision of Torridge District Council.
 - The application Ref is 1/0256/2024/FUL.
 - The development proposed is temporary supervisory mobile home.
-

Decision

1. The appeal is allowed and planning permission is granted for temporary supervisory mobile home at Shangri-La, Anglers' Paradise, Halwill Junction, Beaworthy, Devon EX21 5TX in accordance with the terms of the application, Ref 1/0256/2024/FUL, subject to the following conditions:
 - 1) The use of the site for the siting of a supervisory mobile home hereby permitted shall be for a limited period of three years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the expiration of three years from the date of this decision in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority. The applicant must inform the local planning authority in writing of the date of the first occupation within 14 days.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; site plan; and proposed elevations and floor plans.
 - 3) The occupation of the supervisory mobile home hereby permitted shall be limited to a person solely or mainly employed in the business occupying the plot edged red on the attached plan, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.

Preliminary Matters

2. Following the issuing of the Council's decision, the applicant sent additional evidence which has led to the Environmental Protection Team of the Council confirming that a suitable foul drainage scheme for the proposal has now been demonstrated. Accordingly, the Council has chosen not to defend the second reason for refusal. There is nothing before me that would lead me to disagree with

the Council on this matter. I therefore do not address foul drainage as a main issue.

Main Issues

3. The main issues are:

- Whether, having regard to national policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at the site; and
- The effect of the proposed development on the integrity of the Culm Grassland Special Area of Conservation and on the notified features of nearby Sites of Special Scientific Interest.

Reasons

Background

4. Anglers' Paradise was established in the open countryside in 1985. It comprises a substantial complex of fishing lakes in several areas. The main area is accessed from Winsford Lane and provides tourist accommodation, a restaurant, bar and other facilities. The business employs approximately 25 people, 10 of whom are full time workers, 6 part time and the remainder employed on a casual/seasonal basis.
5. The Shangri-La fishing lakes (Shangri-La) were permitted and constructed for match fishing in the 1990s but has subsequently been underused. Although access to Shangri-La can be gained on foot from the main area, vehicular access is only possible some distance away off Dreybury Lane.
6. The intention is that Shangri-La would be used for traditional coarse fishing and specimen predator angling, which would involve night fishing and more winter use. The proposed mobile home would be occupied and used in connection with its management and operation.

Essential need

7. The site is in an area beyond Local Centres, Villages and Rural Settlements, where the Spatial Development Strategy set out in Policy ST07 of the North Devon and Torridge Local Plan (LP) indicates that development will be limited to that which meets local economic and social needs, rural building reuse and which is necessarily restricted to a countryside location.
8. Paragraph 84 of the National Planning Policy Framework (the Framework) states that development of isolated homes in the countryside should be avoided unless one or more of the specified circumstances apply. An essential need for a rural worker to live permanently at or near their place of work in the countryside is one such circumstance. LP Policy DM28 supports provision of accommodation in the countryside for a rural worker where, amongst other things, it can be demonstrated that there is an essential operational need for a full-time worker to be resident at or near the place of work. As such it is broadly consistent with the Framework in this regard. Additional guidance on the implementation of Policy DM28 is provided in the Rural Workers' Dwellings Supplementary Planning Document (SPD).

9. In this case, the appellant considers that there is an essential need for a rural worker to live on the site to appropriately manage the facilities, to ensure customer welfare and site security, and in the interest of the wellbeing of the fish.
10. The need for regular patrols of the lakes has been highlighted, particularly during extremely wet weather when there is a risk of them overflowing and stock escaping. This could be damaging to native species present in nearby water bodies and could also be devastating to the business if it were to result in the loss of the required Environment Agency licence. Extreme weather is not always predictable, and if it happens at night someone living at Shangri-La would be better placed to quickly respond, thereby minimising such risks.
11. At the hearing, the appellant referred to the demands placed on staff by the anglers including the expectation that instruction is given at any time. As well as being important in ensuring a good customer experience, the value of instruction in the interests of the well-being of the fish, who would suffer if not fished properly, was emphasised. There is also a duty of care to the customers, which includes giving health and safety advice and first aid.
12. Requests for assistance could be made by contacting a member of staff by phone or when the lakes are being patrolled, which is said to take place throughout the day and night. However, the time between patrols and to get to Shangri-La from other areas of the business, would increase the suffering of fish and the likelihood of loss of stock which, even if it only happened occasionally, would have financial implications for the business. The presence of someone on site at night would, therefore, enable prompt support to be given and significantly increase the likelihood that fishing takes place in a responsible and cruelty free manner, and that customers are appropriately cared for.
13. Suitable fencing and enhanced security infrastructure such as CCTV or other forms of remote monitoring could deter unauthorised fishing at Shangri-La, which is said to be a problem. However, given the need for someone to monitor at night and the delayed response times if done remotely, this would not fully address the issue. Furthermore, even if remote monitoring was reliable, a worker would still need to attend the site on a frequent basis throughout the night to patrol the lakes and monitor the anglers.
14. As such, it is reasonable to consider that a permanent on-site presence would, in the interests of the well-being of the fish, allow the monitoring and prompt identification of problems and would increase the positive experience of anglers. A coded gate system or an automatic gate could allow customers to gain entry and leave the site during the night without assistance, but that would incur a significant cost to the business and would increase the risk of unauthorised.
15. I am in no doubt that many of the activities associated with the operation of Shangri-La, such as the issuing of tickets and directions, could be carried out from elsewhere in the wider complex and through on-line bookings and payment. Nonetheless, the evidence before me indicates that meeting the essential needs associated with Shangri-La requires a considerable time investment, including during the overnight period, and the need to attend at short notice. Furthermore, as the Shangri-La lakes are broadly similar to the other, well used lakes within the wider complex, it is reasonable to consider that the absence of a presence on site has been a major contributor to their lack of success. I am therefore satisfied that

the tasks that are involved in managing Shangri-La, when taken together, could not be carried out remotely, such as from existing accommodation in the main area or at Halwill Junction, and that the presence of a worker living on site would be more than just a convenience or a preference.

16. It is not disputed that the existing business is profitable and there is nothing before me to suggest otherwise. Nevertheless, if the business is to continue to attract anglers and compete nationally and internationally, it must expand its offer and the increased use of the existing lakes at Shangri-La would, undoubtedly, greatly assist.
17. Accordingly, based on the evidence before me and for the reasons set out above, I am satisfied that there is a compelling case that demonstrates that the ability to meet the essential needs associated with the full utilisation of Shangri-La, and for this part of the business to operate safely and effectively, requires a rural worker living at the site. The proposal therefore satisfies the requirements of LP Policy DM28 and the SPD in these regards.
18. For the reasons given, I conclude that there is an essential need for a rural worker to live permanently at the site. As such, the proposal would not conflict with LP Policies ST07 and DM28.

Culm Grassland Special Area of Conservation (SAC) and Sites of Special Scientific Interest

19. The appeal site lies close to the Culm Grassland SAC which is designated due to the presence of qualifying features, namely Northern Atlantic Wet Heaths with *Erica tetralix*, *Molinia* meadows and *Euphydryas aurinia* for which it is considered to be one of the best areas in the United Kingdom. It has been identified as being vulnerable to harm from outside of the SAC due to air pollution, human induced changes in hydraulic conditions and changes in biotic conditions. Other habitat sites, namely Hollow Moor and Odham Moor SSSI the boundary of which is consistent with the SAC, Whiddon Moor, Luckroft and Odham Marshes SSSI, Whiteleigh Meadows SSSI, Ribsons Meadows SSSI, and Coombe Meadow SSSI, are also near to the site.
20. Given that the proposal would only result in the increase in one dwelling that would be connected to a mains water supply, the provided document titled 'Impact Risk Zones for Sites of Special Scientific Interest' produced by Natural England (NE) indicates that the proposal would be unlikely to affect the SSSIs and that NE need not be consulted. The Council advised that this guidance is also applicable to the SAC. The proposal is not, therefore, likely to harm the identified habitat sites, either taken alone or in combination with other plans and projects which, I am advised, there are none to have regard to.
21. In conclusion, the proposal would not harm the integrity of the SAC or the notified features of the nearby SSSIs. It would, therefore, accord with LP Policy DM08 which seek to protect such habitat sites.

Other Matters

22. I have had regard to the highway safety concerns raised by interested parties. However, the proposed introduction of a temporary supervisory mobile home, would not, on its own, materially increase the number of vehicular movements on

Dreybury Lane. The increased use of Shangri-La, to which the proposal is connected, is not before me and the planning history of the site suggests that it would be lawful. On this basis, and as I have been presented with no compelling evidence to the contrary, there is no basis on which to disagree with the Council's conclusions on this matter and determine that the proposal would result in material harm to highway safety that would justify dismissing this appeal.

Conditions

23. The parties provided me with suggested conditions, which I have reviewed in line with guidance and best practice.
24. I have imposed a condition requiring compliance with the submitted plans in the interests of certainty. I have also imposed a condition limiting the life of the permission in recognition that temporary consent has been sought.
25. I have found this proposal to be compliant with LP Policy DM28 and, thus, the occupancy of the mobile home would need to be restricted to a rural worker in connection with Anglers' Paradise. The Council's position is that a planning obligation is necessary to tie the proposed rural workers dwelling to the business, as a condition to that effect would not meet the relevant tests. However, it is a well-established planning approach to impose a condition restricting occupancy in such circumstances as this, where the location would otherwise be unacceptable in planning policy terms for a dwelling. Moreover, I note that the SPD, at paragraph 3.34, states that this is the normal approach of the local planning authority.
26. There is no compelling evidence before me that demonstrates that the use of a condition would not be appropriate in this specific case. Accordingly, I find that this matter can be dealt with by condition. Additionally, I am not persuaded that it is necessary to restrict occupation of the proposed mobile home to someone employed in a specific role in addition to controls tying the occupation to the Anglers' Paradise site, the entirety of which has been identified by a red edged plan. This would be more onerous than the standard approach and a robust case has not been provided to justify it.
27. At the hearing the Council suggested that a landscaping condition was necessary to ensure that the visual impact of the proposed mobile home would be suitably minimised in views from Dreybury Lane. However, the existing mature landscaping along the boundary is sufficient for that purpose. I have not, therefore, imposed such a condition.

Conclusion

28. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lewis Andrews	Agent
Joe Drury	Anglers' Paradise

FOR THE LOCAL PLANNING AUTHORITY:

Angelo Massos	Principal Planning Officer
Kristian Evely	Development Manager

DOCUMENTS

Document 1	Historical Imagery 31 December 2005
Document 2	Historical Imagery 21 June 2017
Document 3	Planning Permission Ref 1/1982/2002/20/003 dated 5 March 2003
Document 4	Planning Permission Ref 1/0535/2017/FUL dated 31 August 2017
Document 5	Planning Permission Ref 1/1287/2022/FUL dated 21 December 2022