



Appeal Decision

Site visit made on 8 May 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/W1145/W/24/3356350

The Paddock, Derriton, Holsworthy, Devon, EX22 6JU.

- 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 Scott Ford against the decision of Torridge District Council.
 - The application Ref is 1/0458/2024/FUL.
 - The development proposed is change of use to holiday letting.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The appeal site address set out above is taken from the refusal notice, as most conveniently identifying the location of the proposed development.
3. The Appellant notes concern regarding the application process but this appeal provides for an entirely fresh and independent appraisal of all material considerations both for and against the proposed change of use.

Description of Development and Scope of Appeal

4. The Paddock is an irregularly shaped, 0.76ha agricultural field situated just east of Derriton Mill and bounded on its north side by the public road and on its southern side by a meandering stream. The site is largely screened by mature boundary trees and hedges. Access is from the northeast corner of the site, where there is a brick-built, pitch-roofed agricultural storage building of some 36sqm by about 5.3m height.
5. I noted on my visit that the building has been superficially converted for residential use and was currently occupied by the Appellant. This has no bearing on my consideration of the present appeal, the scope of which is strictly limited to the proposal to convert the agricultural building for use as a holiday let.
6. I note that a previous proposal for extension and conversion of the building into a holiday let was dismissed at appeal in 2017. The present proposal does not involve a built extension and is considered afresh on its individual merits.

Main Issues

7. The Council states, and I agree, that there is no policy objection in principle to the use of the appeal building and the field for tourist holiday letting.

8. The main issues relate to the definition of amenity space and off-road car parking for occupiers of the proposed holiday letting unit, and the provision of flood resilience measures, and whether sufficient information is provided in these respects.

Reasons

Amenity and car parking

9. Notwithstanding that there is no objection to converting the appeal building for holiday use, the appeal site, as whole, comprises a significant area of countryside contributing to the essentially rural character of the area. The proposal makes no provision for any defined private amenity space or for a car parking and turning area.
10. Despite the stated good intentions of the Appellant to limit the effects of the development by way of informal outdoor activity and parking arrangements, I agree with the Council that there would nevertheless be a significant risk of domestic activity and paraphernalia spreading across the open field with no definition of space for parking vehicles, albeit there is no apparent highway objection to the access being used for the proposed holiday let.
11. I consider that the likely result would be significant detriment to the rural character of the appeal site, as a whole, and the wider surrounding area.
12. I therefore regard the proposal, as submitted, to be in unacceptable conflict with the Policy ST04 of the adopted North Devon and Torridge Local Plan (NDTLP). This requires that the design of development should respond to the characteristics of the site and the surrounding area, taking account of the principles set out in Policy DM04 of the NDTLP for good design sympathetic to its setting, including the provision of attractive private space and integrated car parking facilities.

Flood Resilience Measures

13. The barn is in Flood Zone 3a and a professional flood risk assessment (FRA), submitted by the Appellant, concludes that the building is at highly probable risk of flooding from the stream in a 1 in 1000 year flood event, to a depth potentially in the order of 0.25m to 0.5m. The FRA recommends that the finished ground floor level be raised by 0.3m or as much as feasible and that flood proofing of the development should be incorporated in accordance with a flood warning and evacuation plan. The FRA includes no hydraulic calculations to verify these data.
14. The Environment Agency (EA) takes a more conservative but similar view and suggest, on available information, that the building is at risk of flooding to a depth in the order of 0.5m above its floor level with the additional prospect of occupiers being faced with wading through potentially fast-flowing water even up to 0.9m in order to escape the site. The EA also recommends that the development should be subject to approved flood resilience measures to manage this significant flood risk effectively.
15. In the absence of site-specific predicted flood depth calculations and dimensioned construction details of flood resilience measures, I regard the appeal proposal as unacceptably contrary Policy ST03 of the NDTLP. This provides that development should be designed and constructed to take account of the impacts of climate change and minimise and manage flood risk to vulnerable land uses.

Conclusion

16. The policies of the NDTLP cited above are essentially consistent with the equivalent provisions of the National Planning Policy Framework and, overall, due to insufficient information regarding amenity space, car parking and flood resilience measures, I consider the proposal to be contrary to the development plan as whole. I therefore conclude that this appeal should therefore be dismissed.

B J Sims

INSPECTOR