



Appeal Decision

Site visit made on 4 June 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/P1133/W/25/3362658

Golds Cross, Road from Golds Cross to Hackworthy Cross, Tedburn St Mary, EX6 6EL

- 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 Ms E Tallowin (Eleanor Tallowin Ltd) against the decision of Teignbridge District Council.
 - The application Ref is 23/01622/FUL.
 - The development is a proposal to create a new build innovative tourist accommodation with the highest sustainability principles including a cradle to cradle construction strategy. The proposal also includes a change of use of the land from agriculture to leisure, which will support rural tourism.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address and description of development from the application form. I have also referred to the National Planning Policy Framework (NPPF) which came into force on 12 December 2024 after the application was refused permission but before the appeal was lodged on 19 March 2025.

Main Issue

3. The main issue is whether the proposed development would be acceptable having regard to local and national planning policies on the location of new tourism accommodation.

Reasons

4. Policy EC11 of the Teignbridge Local Plan 2013 – 2033 (LP) states that new tourist accommodation will be acceptable in principle within or adjoining settlement limits. Elsewhere, the policy states that it will be acceptable in principle where it meets one of the criteria 'a' to 'g' (inclusive) to the policy. A similar criteria-based approach to new tourist accommodation is set out in policy EC6 of the emerging Teignbridge Local Plan 2020 – 2040 (ELP). Whilst the latter is not adopted it has reached a stage where it can, in my view, be accorded appropriate weight in decision making. The Council contend that the appeal proposal fails to comply with any of the criteria to those policies and would therefore conflict with both policies.
5. As such, the Council also contend that the appeal proposal would conflict with policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S22 (Countryside) of the LP. Amongst other matters,

these policies seek to support planning applications that accord with development plan policies and are sustainable, and to strictly manage new development within the open countryside.

6. In relation to policy EC11 of the LP the parties agree that the relevant criterion is 'g)' which states that tourist accommodation will be acceptable in principle where it will *"provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area"*. The corresponding criterion in policy EC6 of the ELP is '4.e.' where in locations outside defined settlement limits tourist accommodation will be acceptable in principle for the *"provision of new high-quality accommodation or attractions which widen and enhance the tourist offer of the area or improves productivity of the local tourism industry."*
7. The parties agree that the appeal site does not fall within or adjacent to any defined settlement limits and is therefore within the open countryside. As such, policies EC11 and EC6 are consistent with paragraph 88 of the NPPF in so far as the latter states that policies and decisions should enable *"sustainable rural tourism and leisure developments which respect the character of the countryside."*
8. The appeal site comprises a triangular piece of land at the junction of Gold's Lane (GL) with the main road, Goldscross Hill (GH). The site is largely overgrown with a five-bar gate providing access from GL. The site boundaries to GL and GH are well screened by a mixture of hedging and trees, with only glimpsed views into the site possible. Trees and hedging also screen the eastern boundary of the site beyond which is an open field used at the time of my site visit for grazing sheep. To the north and west of GL and south of GH are further open fields, with an isolated detached house and large agricultural barn located to the southeast of the appeal site, on the opposite side of GH.
9. The appeal proposal involves the construction of a single storey building that would provide tourist or holiday accommodation with three bedrooms, each with en-suites and an open plan kitchen, lounge and dining area. The western and southern elevations of the new building would include a covered veranda and other facilities shown include a wood fired hot tub, timber barrel sauna, orchard and wild orchid garden. An area for parking and turning would be provided towards the southwest corner of the site utilising the existing access.
10. The Council have not raised any objection to the proposed building in terms of its design, siting and impact on the landscape setting and value of the area in which it is located. With appropriate landscaping, based on the scheme submitted with the application, the Council concluded that the proposed building would be acceptable in terms of its visual appearance and would not adversely impact on the character and appearance of the open countryside. Based on my own observations on site, I concur with the Council's findings in this respect.
11. Turning to the relevant criteria to policies EC11 and EC6 there is nothing in the supporting text that expands on or further defines the provision of *"innovative"* or *"unusual"* or *"high quality"* accommodation or the wording *"which widen and enhance the tourist offer of the area"*. There are also no examples before me of where and how this policy has been interpreted in the past or of any new tourist accommodation that has been approved in compliance with these policies. Consequently, the interpretation of the policies will, in my view, involve an element

of judgement having regard to the nature of the proposal, its compliance with other development plan policies and the submitted evidence.

12. The Appellants contend that the appeal proposal is for an individually designed architectural unit that is not replicated by any other accommodation in the District. They state that the site-specific contextual design responds to its landscape setting and has adopted a fabric first approach to secure a net zero, energy efficient and self-sufficient building. The design approach has also been informed by reference to ecology, energy consumption, water consumption and sustainable drainage, with the use of locally sourced materials.
13. Further strategies that the Appellant contends would result in the appeal proposal exceeding what is currently considered sustainable, include a natural hygroscopic adaptive building to improve indoor air quality and health benefits, a rigorous selection of building materials to ensure embodied carbon is kept to a minimum, model climate resilient architecture and accessibility for people of all abilities to connect with nature, in all weathers.
14. Within this context, I am not convinced that any of the measures and strategies put forward by the Appellant would result in a development that complies with the requirements of criterion 'g)' to policy EC11 or criterion '4..e' to policy EC6. Whilst I accept that the proposal would secure a high-quality sustainable design, that would be energy efficient and mitigate the effect of climate change, those are not unique or uncommon benefits. Paragraph 3.7 of the Council's Statement of Case states that these are benefits you would expect all new tourist accommodation proposals to secure to ensure compliance with other development plan policies. The latter include policy S7 (Carbon Emissions Targets) and policy EN3 (Carbon Reduction Plans) of the LP and policy CC1 (Resilience) and policy DW2 (Development Principles) of the ELP.
15. For the above reasons, I agree with the Council that the appeal proposal would not represent a sufficiently innovative or unusual form of development that would enhance the tourist offer of the area or provide such high-quality accommodation to widen and enhance the tourist offer of the area. Overall, I am not satisfied on the evidence before me that the measures and strategies put forward by the Appellant provide justification under either policy criterion, which essentially seek to provide exceptions to the strict management of new development within the open countryside. The fact that the proposed design would be contemporary would also not be unique and it is not uncommon to see such designs in valued landscapes (the site is located with an Area of Great Landscape Value). You would also expect to see in such areas the use of locally sourced quality materials that reflect the local vernacular, in line with the objectives to policy S2 (Quality Development) of the LP.
16. I note that the Appellant queries the lack of engagement from the Council over the submitted ecological assessment, energy and sustainable drainage statements. It's unclear as to the nature of their concern, but, even so, those assessments and statements are standard requirements for developments of this nature and ensure compliance with corresponding development plan policies.
17. Turning to accessibility for the less mobile and disabled, such measures are again standard requirements that you would expect all new development and tourist accommodation to incorporate, provide for and be integral to the design, in line with objective 'i' of policy S2 of the LP. The latter is consistent with paragraph 135 f) of

the NPPF which requires new development to ensure that they create places that are “*inclusive and accessible and which promote health and well-being.*”

18. I accept that the strategy of securing a natural hygroscopic adaptive building, that would improve indoor air quality and health benefits, would be a measure that you would not commonly find in new developments, but that consideration alone would not be sufficiently innovative or unusual or of such high quality to justify the appeal proposal in relation to policy EC11 g) or policy EC6 4.f. That finding applies, in my view, to the proposed veranda. It is not uncommon to find similar covered features on new tourist buildings, used as holiday lets. The latter can include overhanging or extended roofs that provide outdoor cover for seating/dinning or covered patio areas. These measures enable holidaymakers to sit outside in all weathers and at the same time encourage all year round use of the accommodation, an objective of policy EC6 1. of the ELP to “*support proposals to lengthen the tourism season*”.
19. The Appellant states that the proposed individually designed unit does not replicate any other accommodation within the District, but there is no substantive evidence before me to support that statement. Neither is there any detailed assessment of the quality and range of existing tourist accommodation within the area and how, in comparison to this, the appeal proposal would, as the Appellant contends, exceed the existing standard of accommodation in terms of sustainability and quality, and thus enhance the area’s offer.
20. Whilst I have also had regard to the correspondence from Canopy & Stars there is again no substantive evidence to support the statements it makes in relation to the alleged demand and lack of supply for accessible accommodation within the area. Also, as to why the ‘experience’ that the appeal accommodation would apparently provide for is so genuinely innovative or unusual or of such high quality that it would widen and enhance the tourist offer of the area.
21. Accordingly, I find that the appeal proposal fails to comply with policy EC11 of the LP and policy EC6 of the ELP, and as such it also fails to comply with policies S1A, S1 and S22 of the LP and the corresponding policies of the NPPF.

Conclusions

22. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR