



Appeal Decision

Site visit made on 28 August 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/K1128/W/25/3365459

Avon Inn, Avonwick, South Brent TQ10 9NB

- 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 Mark Cameron against the decision of South Hams District Council.
 - The application Ref is 2001/24/FUL.
 - The development proposed is described as: Use of two pods in the private garden of the Avon Inn for full time B+B as part of the pub business. This is a resubmission of application 3337/23/FUL with an updated flood risk assessment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the heading above is taken directly from the application form, as I have no record of an alternative being agreed between the parties.
3. The application form states the development was started in April 202 (assumed to be 2021 based on other evidence), although at the time of the application it was not considered to be complete. I saw during my site visit that the 'pods' had been erected along with other paraphernalia. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.

Main Issues

4. The main issues are:
 - whether the proposal would be safe from flooding and comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding;
 - Whether the proposal would be in a suitable location with particular regard to accessibility of services; and
 - Whether the need for tourist accommodation has been demonstrated.

Reasons

Flood Risk

5. The appeal site is located within Flood Zone 3 and therefore at the highest risk of flooding. Policy DEV35 of the Plymouth and South West Devon Joint Local Plan (2014 - 2034) (JLP) requires a sequential approach to flood risk. Where it is not possible for development to be located in a zone with a lower probability of flooding the policy requires an Exception Test to be undertaken. The policy is consistent with the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) both of which are specifically referenced in the background text to the policy.
6. Paragraph 176 of the Framework sets out that there are some cases where a Sequential Test may not be required, this includes some minor development and changes of use, with footnote 62 setting out the exclusions. For minor development, exclusions include householder development and small non-residential extensions. The proposal is not for a householder development and as the 'pods' are standalone structures they are not extensions to any building, as a result neither of these exceptions apply. Given the footnote uses the word 'includes', I consider this to mean a closed list rather than an open-ended definition. Furthermore, references to minor development within the PPG and government standing advice also refer to 'minor extensions' and do not expand on this definition.
7. Footnote 62 in relation to changes of use sets out instances where the Sequential Test would still be needed. It identifies that changes of use to a caravan, camping, or chalet site, or to a mobile home or park, are excluded from the exemptions. The description of development may not explicitly reference the term 'change of use', however, this is the outcome of the proposal, and is accepted by both parties. With respect to specific exclusions the reference to chalets and mobile homes is clear. Whilst the accommodation on site are referred to as 'pods' it is acknowledged by the appellant that they could be described as chalets. Whilst the word 'pod' may not be included within the exceptions, the structures clearly share characteristics with chalets, mobile homes and caravans. It is therefore a reasonable approach for them to be considered in the same manner.
8. The PPG provides additional guidance on the Sequential Test, with paragraph 051 addressing minor development. While this section does not specifically mention caravan and chalet sites, that omission does not negate the exclusions outlined in the Framework. Although the recent case of *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32 suggests no legal distinction between the Framework and the PPG, I do not accept that the absence of a reference in the PPG renders any part of the Framework inapplicable.
9. When considering the proposals as a change of use the Framework and therefore Policy DEV35 require a Sequential Test and there is no evidence provided with the appeal to satisfy me that this has been completed.
10. If a Sequential Test had been undertaken and passed, an Exceptions Test would still be required. Annex 3 of the Framework sets out flood risk vulnerability classifications with the development falling under a 'more vulnerable' use. Table 2 in the Flood Risk section of the PPG sets out that in Zone 3a an Exception Test would be required and in Zone 3b 'development should not be permitted'.

11. The Flood Risk Assessment (FRA) does not identify whether the site would fall into Flood Zone 3a or 3b. Whilst not conclusive, the Environment Agency (EA) consider that part of the site could be within Flood Zone 3b, although this is disputed by the appellant, they consider the EA has made an error in their assessment. If a precautionary approach is taken, then it would lead to the development falling within the category of development not being permitted. However, even if the site were in Flood Zone 3a it has not been demonstrated that the Exceptions Test could be passed.
12. The EA have identified several matters which have not been addressed within the FRA leading them to object to the development. Given the risks identified are significant, and the EA state that placing holiday accommodation so close to the river presents a significant risk to life in an extreme flood event, this is a serious concern. As a result, based on the information provided, I am not satisfied that flood risk has been adequately addressed.
13. The appellant may not have witnessed any flooding during their time managing the site; however, this does not mean that the flood risk does not exist and it is appropriate that planning policies and the advice of the EA are followed.
14. I therefore conclude, that the development would not be suitably located in relation to flood risk. As such it is contrary to DEV35 of the JLP which amongst other aspects, sets out that a sequential approach will be taken to considering whether new developments will be permitted in areas subject to flooding. The proposal would also be inconsistent with the provisions in the Framework in relation to planning and flood risk, and the PPG.

Location

15. Policy SPT1 of the JLP seeks to deliver sustainable development with principles relating to economy, society, and environment. Policy SPT2 of the JLP details the requirements for sustainable linked neighbourhoods and rural communities. This policy requires development to be well served by public transport, walking and cycling opportunities. Whilst not explicit in its reference to tourism such uses form part of rural communities.
16. Policy DEV 15 of the JLP is supportive of proposals in suitable locations which seek to improve the balance of jobs within rural areas and diversify the rural economy. With regards to compatibility with the road network the 'pods' utilise an existing access and car park. Whilst the use of the 'pods' would result in additional vehicle movements there has been no objections in respect of highway matters and I have no evidence before me that the increase in vehicles would be dangerous. As a result, I find the scheme to be compatible with the road network.
17. Part 8 of Policy DEV15 requires development to avoid significant increases in the number of trips requiring the private car and development should facilitate the use of sustainable transport. It goes on to require a Sustainable Travel Plan (STP) to demonstrate how traffic impacts of the development have been considered and mitigated. The policy does not state that an STP is only required when there is a significant increase in the number of trips and I read it to apply to all development proposals.
18. As no STP has been provided it has not been demonstrated that there would be no conflict with this policy. I accept that as the 'pods' are situated directly adjacent to an

existing pub use there would be an element of shared trips. However, I have only been provided with limited details of other sustainable transport options.

19. Given the above I cannot conclude that the use is in a suitable location in respect of access to facilities and services and is therefore contrary to Policies ST1, ST2 and DEV15 of the JLP.

Need for Tourist Accommodation

20. Part 7 of Policy DEV15 gives support for camping, caravan, chalet, or similar facilities that respond to an identified local need, provided the proposal is compatible with the rural road network and there are no adverse environmental impacts. The second part of this policy, in terms of the road network have been met as explained above.
21. In terms of need, the appellant has set out that the use supports and helps diversify the pub and provides self-contained accommodation which allows for privacy and seclusion. The terms 'local' and 'need' are not defined in the policy or supporting text. However, an assessment of local existing provision would seem a reasonable response to this policy. Even if the policy were interpreted to include need in relation to a specific business, in this case the pub, there is limited evidence before me to demonstrate that this is the case.
22. However, details have been provided to show the number of bookings and total nights stayed in each pod. Whilst I accept that demand and need are not the same thing, if there were no local need I would expect a low number of bookings for the use which is not the case.
23. Overall, I consider that the 'pods' would support the existing business and demand for the 'pods' has been demonstrated. The use therefore contributes to the balance of jobs and diversity of the rural economy. Therefore, the proposal would be supported by Policy DEV15 of the JLP in this regard.

Other Matters

24. The site is close to listed buildings including Avon Grove and Avon Villa/The Parsonage, both of which are Grade II listed. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. Avon Grove is to the east of the site and Avon Villa/The Parsonage is to the west of the pub building. Given the low-level nature of the development, I consider that it would preserve the setting of these listed buildings and the contribution it makes to their significance. I note the Council had no concerns in this regard either.
25. It is acknowledged that the tourist accommodation would be supported by paragraph 88 of the Framework with regard to growth and expansion of business in rural areas along with tourism development. Paragraph 98 of the Framework is supportive of services to community such as pubs, however, whilst the tourism use will support the business, they are not in themselves a community use.
26. I note that the application had support from the Parish Council, although no reasoning was provided and therefore, I attribute this limited weight.

Conclusion

27. The use of the site for tourist accommodation may support the pub and bring some wider economic and social benefits, however, these do not outweigh the other harms identified, particularly, the serious concerns in respect of flood risk.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

H Faulkner

INSPECTOR