
Appeal Decision

Site visit made on 17 October 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/X1118/W/25/3370026

9 Europa Park, Woolacombe Station Road, Woolacombe, Devon EX34 7AN

- 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 Nick Bertish against the decision of North Devon District Council.
 - The application Ref is 80203.
 - The development proposed is described as 'retrospective application to regularise change of use from holiday to residential use'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an existing chalet, part of what was a holiday park, now known as Tranquillity Park. I have taken the description of development above from the original application form, which seeks retrospective consent for non-holiday use of the chalet. However, as a separate unit of accommodation, the chalet would always have consisted of a residential use, under Use Class C3. As such, its non-holiday use has not involved a change of use.
3. Nevertheless, condition 2 of planning permission 28132 (condition 2), dated 25 October 1999, does prevent use of several chalets including number 9 other than for holiday use. It states that 'the chalet shall be occupied for holiday accommodation only and not for permanent residential accommodation'. The reason for this condition is 'because the chalet is located where permanent residential accommodation would be contrary to national and Development Plan policies and the associated domestic paraphernalia would have an adverse visual impact on the Area of Outstanding Natural Beauty and Coastal Preservation Area'.
4. Consequently, with the agreement of the parties, I shall deal with the application and appeal as if it had been made under s73A of the Town and Country Planning Act, for the removal of condition 2 in respect of the appeal chalet only. I am satisfied that no party would be prejudiced as a result of the above.
5. The originally submitted application form described the applicant as Mr Nigel Gale. However, during the course of the application, an amended form was submitted with the applicant named as Mr Nick Bertish, the same as on the appeal form. As a result, I am satisfied that the appellant can make the appeal.

Main Issue

6. The main issue is whether the appeal property should continue to be restricted to use as holiday accommodation.

Reasons

7. Policy DM18 of the North Devon and Torridge Local Plan (the Local Plan), adopted October 2018, relates to tourist accommodation. In respect of holiday occupancy conditions, it states that they will only be removed where, relevant to this appeal, there is compelling evidence to demonstrate that such a restriction is no longer required.
8. The site and the surrounding chalets and caravans are outside of any settlement boundary and lie within countryside. As such, there is no dispute that new development would normally be restricted by other Local Plan policies to limited types, such as holiday accommodation. Despite a large increase in holiday lets over recent years, Policy DM18 supports the retention of holiday use conditions, rather than unrestricted accommodation, because of the contribution that tourism makes to the local economy.
9. The supporting text to Policy DM18 identifies the need for any marketing exercise to demonstrate demand for such accommodation over a 12-month period. The evidence from a local estate agent is that no offers were received for a nearby chalet (number 21) following periods of marketing. Even so, I have little detail of how the marketing exercise was undertaken, in particular the guide price, which could affect the validity of its findings.
10. The appellant has referred to properties elsewhere within Woolacombe, where I understand planning permission has been granted for the removal of such conditions. I saw some of these on my visit, but I have few details of these properties or how any marketing was undertaken, thus preventing useful comparison with the proposal before me. There is nothing to suggest that a marketing exercise has been undertaken for the appeal chalet, despite an Enforcement Notice having been issued some years ago.
11. The former holiday park facilities, such as the clubhouse, shop, laundry, toilets and washing facilities are no longer available. Nevertheless, it is not uncommon for short-term holiday accommodation to consist only of the unit itself. Holiday use can be more intensive, resulting in noise to non-holiday occupiers nearby. That said, as a relatively small single unit, any disturbance is likely to be limited.
12. An appeal decision¹ confirmed that some parts of the Park constitute a caravan site with unfettered residential use. However, this decision relates to land which excludes the chalets, and I have already found that the appeal chalet is restricted by condition 2. I understand that other occupiers at the Park are in the process of making applications for Certificates of Lawfulness for unrestricted use of their properties, but I have few details of any such applications, or their outcome.
13. Accordingly, I find the reasons advanced for the removal of the condition to be unconvincing. As such, I conclude that the appeal property should continue to be restricted to use as holiday accommodation, and so the proposal would conflict with Local Plan policy DM18. The policy is consistent with the National Planning

¹ PINS reference APP/X1118/X/19/3231022

Policy Framework (the Framework), which requires planning decisions to enable sustainable rural tourism. I therefore give this conflict and harm substantial weight.

Other Considerations and Matters

14. The Council does not dispute that there is a widening imbalance between the supply and demand of housing, and that it is unable to demonstrate an adequate supply of housing land. As a result, I must determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional unrestricted dwelling to assist the Council in addressing its undersupply. This is in accordance with Framework paragraph 11.
15. I have found conflict with Policy DM18 and so with the Development Plan as a whole. Against that, the proposal would make a positive contribution to the supply of unrestricted housing. Even so, due to the appeal relating to just a single unit, this benefit attracts only limited weight.
16. The unit currently provides a home for the appellant, who I am told would otherwise require affordable housing. However, I have few substantive details of the appellant's personal housing needs, and so these carry only very limited weight.
17. The site lies within the North Devon Coast National Landscape, also known as an Area of Outstanding Natural Beauty. However, the Council does not suggest that the proposal would adversely affect the natural beauty of the National Landscape, and I share this view. Accordingly, this matter is neutral in the planning balance.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
19. Given the harm and conflict that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. For the reasons given, I have found conflict with the Development Plan taken in the round. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR