

Beth Hobbs

From: West1@planninginspectorate.gov.uk
Sent: 18 January 2023 09:03
To: Planning Support
Subject: Planning Inspectorate APP/W1145/W/22/3304065: Land at Powlers Piece, EX22 7XW
Attachments: Despatch Cover Letter - Helen Smith - 18 Jan 2023.pdf; APPEAL DECISION - 3304065.pdf
Categories: Beth

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Your Ref: 1/0553/2022/FUL

Our Ref: APP/W1145/W/22/3304065

Helen Smith
Torrige District Council
Development Control
Riverbank House
Bideford
Devon
EX39 2QG

18 January 2023

Dear Helen Smith,

Town and Country Planning Act 1990
Appeal by Mr Mark Fisk
Site Address: Land at Powlers Piece, East Putford , Devon, EX22 7XW

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Jasmine Rogers

Jasmine Rogers

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Appeal Decision

Site visit made on 6 December 2022

by **J White BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/W1145/W/22/3304065

Land at Powlers Piece, East Putford, Devon EX22 7XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Fisk against the decision of Torridge District Council.
 - The application Ref 1/0553/2022/FUL, dated 24 May 2022, was refused by notice dated 27 July 2022.
 - The development proposed is described as *"siting of a holiday rental shepherd's hut on the area where there used to be a polytunnel. This part of the land does not have any trees on it and is therefore the ideal area to site the hut. The hut would be suitable for couples holiday rental and would sleep two people. The land would only ever house a single unit making it a more desirable holiday rental."*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address set out in the banner heading above is taken from the Planning Appeal Form as this more accurately describes the address of the appeal site.

Main Issue

3. The main issue is whether the appeal site would provide an appropriate location for the proposed holiday accommodation, with particular regard to accessibility of services having regard to the policies set out in the development plan and the National Planning Policy Framework (the Framework) that seek to restrict development in the countryside and minimise the need to travel by private car.

Reasons

4. The site lies in a rural location adjacent to Powlers Piece Cross. The parcel of land comprises trees, with a clearing at its northwest end where an area of hardstanding lies off the gated access from the classified road. There is development, including houses within the vicinity, but they are dispersed and separated by gaps.
5. Parkham is a settlement more than two miles north of the site. In planning terms, the appeal site is situated outside any defined settlement and falls within the open countryside. In the countryside, the North Devon and Torridge Local Plan (the LP), seeks to control dispersed development, guarding against development in unsustainable locations.

6. Policy ST07 of the LP provides a spatial development strategy for Northern Devon's Rural Area. The policy advises that amongst other things, in the countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.
7. There is no suggestion that the appeal site is related to an existing tourism, visitor or leisure attraction and the proposal would not reuse an existing building. As such, the scheme would fail to accord with Policy DM18 of the LP.
8. The local road network is subject to the national speed limit. Access to Parkham would be along roads, which are without pedestrian footway, steep in places and unlit. The length and nature of the roads are likely to limit the practicality of walking and cycling to access most day-to-day facilities especially at night and in poor weather conditions. Whilst the appellant advises that the site would appeal to cyclists and horse riders, I have no substantive basis to consider that services would generally be accessible by means other than the private car and it is unlikely that residents of the proposed shepherd's hut would frequently use sustainable transport modes to obtain access to essential goods, services and entertainment.
9. The appeal site, given the absence of realistic alternatives, would therefore most likely give rise to reliance on the private car for most journeys. I am mindful that paragraph 85 of the National Planning Policy Framework (the Framework) accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. However, the Framework advises that in these circumstances it will be important to ensure that development exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). This is not demonstrated by the proposal.
10. Therefore, when judged against LP policies, permitting the development would undermine the strategy for the distribution of tourism accommodation and it is likely that car borne travel would be encouraged. As such, the appeal site would not provide an appropriate location for the proposed holiday accommodation, with particular regard to accessibility of services having regard to the policies set out in the development plan and the Framework that seek to restrict development in the countryside and minimise the need to travel by private car. It would not be a sustainable form of tourism accommodation contrary to the requirements of policies ST07, ST13 and DM18 of the LP, which together seek to ensure that development proposals are suitably located for sustainable tourism.

Other Matters

11. I acknowledge that some economic advantages would arise from the occupation of the shepherd's hut through related visitor expenditure in the area, and related employment opportunities. However, the provision of one unit would make little meaningful difference and these benefits would be limited.
12. My attention has been drawn to the local support for the proposal. I also note that the site lies in an area with a low probability of flooding and outside of a

Conservation Area. However, these are matters that do not outweigh the harm I have identified.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no material considerations identified which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J White

INSPECTOR