



# Appeal Decision

Site visit made on 21 May 2024

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

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**Appeal Ref: APP/W1145/W/24/3339643**

**Land Adjacent to Windmill Road, Holsworthy, Devon EX22 6JN**

- 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 3H Investments Limited against the decision of Torridge District Council.
  - The application Ref is 1/0114/2023/FULM.
  - The development proposed is described in the application as “change of use of land for the siting of holiday lodge caravans for cycling and walking tourists, together with a new pedestrian and cycle access from the Ruby Way, the installation of tourist signage from the Ruby Way, and interpretation boards for visitors to the Royal Observer Corp monitoring bunker heritage asset, the creation of new site access, landscape planting, roadways, and drainage.”
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. It is noted that when the Council validated the application it changed the description. On several occasions during the validation process the Council advised the appellant that they must make contact within 7 days of the date of each of these letters if the Council’s revised description was not agreeable. Opportunities for engagement were therefore likely. At that stage, it has not been shown that the appellant did not agree with the Council’s description.
3. Having paid regard to the Hillside Parks and Barton Park Estates judgements referred to by the appellant, the scope and operative part of the application is to change the use of land to site holiday lodge caravans. The appellant has submitted detailed plans that show there would be 16 holiday lodges and 6 glamping pods (all within the definition of a caravan). The Council’s description of development is sufficiently precise, clear, accurate and reasonably understandable.
4. Even though the description of development in the application form does not refer to the inclusion of pods, reception block, or camping, the plans show that these elements form part of the application. In that context, any lack of reference to proposed tourist signage, which is shown on the plans, would not mean they would be excluded from the overall scope of the permission sought. I have dealt with the appeal on this basis.

5. There is a former nuclear bunker and Royal Observer Corp (ROC) outpost within the appeal site. The appellant submits that the reference to the restoration of the bunker in the Council's reason for refusal is prejudicial as restoration is not proposed. Their submission does however highlight that the bunker will be conserved through restoration of the interior (painting, repair, insertion of period materials). Even if these works did not require planning permission, it is evident that some restoration would be likely. For these reasons, the appellant would not be prejudiced in any way.

### **Main Issue**

6. The main issue is whether the site is a suitable location for the proposed development, having regard to the local tourism strategy; and if not, whether there are any other considerations that justify a decision otherwise than in accordance with the development plan.

### **Reasons**

#### *Tourism strategy*

7. The appeal site comprises 3 agricultural fields that cover an area of approximately 3.47ha. These fields are physically and visually separated from the built-up area of the town of Holsworthy by intervening fields. Access to Holsworthy from the appeal site can be gained using the busy trunk road. This would be uninviting for pedestrians or cyclists. Alternatively, a steep, unlit public footpath provides connectivity, though this is unlikely to be suitable for all users.
8. Holsworthy is defined as a Main Centre in the North Devon and Torridge Local Plan 2011-2031 (LP). The appeal site is about 370m from its defined settlement boundary. Despite footpath and cycle improvements that could be secured via the submitted legal agreement, it is not within or adjacent to a Main Centre.
9. Policy ST01 of the LP sets out the principle of sustainable development in the district, which, amongst other things, seeks to approve proposals that accord with policies in the LP. Where policies are out of date, it says that permission will be granted unless material considerations indicate otherwise.
10. The Council's spatial strategy in policies ST06 and ST07 of the LP is to focus most development to the largest centres, with modest growth permitted in the smaller settlements. In the countryside, development will be limited to that which is enabled to meet local economic needs, rural building reuse and development which is necessarily restricted to a countryside location. Policy HOL of the LP recognises the important role of Holsworthy as a service centre, building on its position to become an attractive destination for visitors.
11. In respect of local economic needs, the diversification of the rural economy is supported through Policy ST11 of the LP where there is no conflict with other policies. Policy ST13 of the LP is supportive of sustainable, high quality tourism development for a year-round industry that does not damage the natural or historic assets within the district. In respect of the latter, there is no dispute between the main parties that landscape features and heritage assets would be preserved by the development. I find no reason to disagree.

12. Whilst not having the force of policy, the supporting text to ST13 of the LP notes that sustainable tourism is achieved through enhancement, focusing on qualitative improvements, such as expanding existing facilities. The enhancement of existing attractions and destinations will be given support.
13. Beyond these strategic aims, detailed tourism policies are contained within DM17 and DM18 of the LP. Policy DM17 is supportive, in part, of new or existing tourism, visitor or leisure facilities. This is subject to various criteria being met, including a justified location, reuse of existing buildings, highways suitability, landscape, and heritage preservation.
14. The ROC outpost may have previously attracted visitors who are said to have broken in on a number of occasions. However, this type of use cannot mean the ROC is an existing visitor facility. Nonetheless, it is proposed to be made available to the public by appointment. This new tourism attraction would better reveal the ROC's significance as a non-designated heritage asset, albeit to a very modest extent. However, this is only a very small part of the operative part of the scheme, which is to provide tourism accommodation.
15. Policy DM18 of the LP is concerned with tourism accommodation. Part (1) of it supports new tourist accommodation within Main Centres where it *(a) improves the quality or increases the diversity of northern Devon's tourism offer; (b) is located and designed to protect and enhance the character and setting of the settlement; and (c) any rationalisation would facilitate the retention or improvement of the tourism accommodation.*
16. As mentioned above the appeal site is not within the settlement. Nevertheless, the appellant asserts that the policy should not be strictly interpreted to limit tourism development to within defined boundaries, noting the connections to the town. Additionally, they say that the setting of the settlement referred to in DM18 part 1(b) can only relate to development outside existing boundaries. However, it is conceivable that the setting of a settlement could be affected by development within a defined boundary.
17. Although sufficient available space for larger tourism accommodation developments may be limited within this Main Centre, smaller scale caravan developments or other forms of tourist accommodation could still come forward under part (1). This could include converted buildings or redeveloped sites for example. In any case, taking the ordinary meaning of the word and for the reasons given above, the appeal site is not 'within' the Main Centre. Therefore, even if criteria (a)(b) and (c) were met, there is little to demonstrate that part (1) of DM18 of the LP applies to the proposal.
18. Outside Main Centres such as Holsworthy, part (2) of Policy DM18 of the LP supports new tourism accommodation where it *(a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or (b) reuses or converts existing buildings; or (c) improves facilities for or diversifies the range or improves the quality of existing tourism accommodation.* The appellant says criteria (b) and (c) are not applicable to the tourist accommodation proposed with this appeal.
19. In respect of part 2 (a), it is claimed Holsworthy, the Ruby Way which is part of the National Cycle Route, and the ROC collectively represent the existing tourism or visitor attraction. It is however necessary to examine each of these

- elements against the requirements of the policy. In that respect, I have already concluded above that the ROC is not an existing visitor attraction.
20. Whilst the benefits of the cycle network for tourists and visitors are acknowledged, the Ruby Way is part of a broad transport route that spans the UK. This is not the same as a woodland bike trail for example, which would be likely to be centred around a site-specific location. As such, it has not been clearly demonstrated that the Ruby Way is a tourist, visitor or leisure attraction in its own right.
  21. The tourism benefits of being located near a town with its various shops and food outlets are recognised. In that context, the Council's Northern Devon Tourism Strategy highlights the role of historic market towns for visitors and encourages investment in accommodation. Holsworthy is a settlement which includes a broad range of services, employment, housing, and facilities. It evidently contains elements that draw visitors as any Main Centres would be likely to do. These attributes are recognised by the support in part (1) of Policy DM18 of the LP for new tourism accommodation within the town.
  22. Even if Holsworthy were to be described as tourism, visitor or leisure attraction, the appeal site would still need to be 'related directly to' it. This matter is in dispute. In that context, my attention has been drawn to the Council's informal Frequently Asked Questions (FAQ) document. The FAQ says that 'related directly' requires a functional and spatial association. It adds that attractions in the wider geographical area would not fulfil the definition. However, this document is not adopted policy and can be afforded very little weight.
  23. The glossary of the LP defines 'well related' as sites adjoining the main built-up form of a settlement. I have already concluded that the appeal site is not within or adjacent to the town. Although referring to housing proposals, this definition is useful, as the ordinary meaning of the word 'directly' is far more restrictive. It means something that is 'exactly in a particular position'. Whilst the policy does not explicitly say that the existing facility must be on the site itself, neither does it use broad terminology such as 'nearby' or 'close to'.
  24. In that respect, the appeal site has a notably severed visual and spatial relationship with the town. The particularly steep public footpath adds to the overall sense of separation. At my visit, I walked from the appeal site to the town centre, which took approximately 8 minutes at a fast pace. This would be much slower for those less able than myself. Walking from the town centre along the main road to the appeal site took approximately 10 minutes. This was not a particularly safe option. On this route, it was evident that the appeal site was very much part of the countryside, rather than having any close visual connection to the town. For the above reasons, the appeal site is not related directly to an existing tourism, visitor, or leisure attraction.
  25. Given this, the requirement in the policy for the development to be compatible in scale would not be applicable. Notwithstanding this, the evidence goes some way towards demonstrating a need for this type of tourist accommodation in the broad area. There is however little to show any direct correlation between the number of proposed units of accommodation meeting the needs of users of the Ruby Way. Moreover, I have been provided with very limited information surrounding the site-specific circumstances of other sites located along the National Route.

26. As mentioned above, the appellant does not consider that (b) or (c) of part 2 to Policy DM18 are relevant. It is agreed that (b) would not apply as the scheme would not reuse or convert existing buildings for accommodation. Even if (c) were to apply, the evidence, including the submitted Economic and Tourism Needs Assessment, demonstrates that the proposal would be of a high quality and would add to existing provision in the district. Whilst these benefits are acknowledged, the evidence does not convincingly show how the proposed scheme would diversify by adding something different for example. Neither does it demonstrate how it would improve the quality of the wide range of caravan and camping accommodation in the nearby villages and countryside, as described in the Holsworthy Town Study.
27. For the above reasons, the site is not a suitable location for the proposed development, having regard to the local tourism strategy. There would be conflict with policies ST01, ST07, ST13 and DM18 of the LP.

*Other considerations*

28. I have found that the development would conflict with the development plan in that it is contrary to the Council's tourism strategy.
29. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the National Planning Policy Framework (the Framework).
30. The aforementioned ROC bunker amounts to previously developed land, though forms only a very small part of what is largely a greenfield site. Therefore, any benefits in terms of making efficient use of land, as set out in the Framework would be extremely modest. Additionally, there was a former medieval windmill within this area, though this is said to have been demolished in the late 19<sup>th</sup> century. Its remains are not visible, and I have assessed the appeal in its present-day sense. I therefore attach very little weight to this matter.
31. My attention has been drawn to a scoping review of the LP. Within it there is some commentary on the desire for a more flexible approach within future tourism policy. Additionally, there is reference to the demand for glamping that is said to be popular in rural areas. The report identifies a need to monitor policies such as ST13, DM17 and DM18. Whilst this is a material consideration, I have been provided with very little evidence that these discussions have evolved beyond the embryonic stage of a review to the LP. I have therefore afforded it very little weight.
32. There would be benefits associated development. It would provide good value, year-round tourism accommodation close to a Main Centre and next to a cycle route. This would deliver notable economic benefits though consumer spending and jobs. In that respect, the letter of support from Hoseasons is acknowledged. However, any such benefits could conceivably be achieved from elsewhere.
33. There would be social benefits in terms of encouraging healthy lifestyles, promoting wellbeing and a cultural experience. It is however unlikely that the scale of development proposed would address any housing shortages through the use of second homes or AirBNB. Although car usage would not be avoided, there would be some environmental benefits in respect of biodiversity gains

and reducing carbon emissions; including through the siting of caravans as opposed to buildings.

34. Additionally, I have paid regard to the submitted Tourism Recovery Plan and support for a prosperous economy as set out in the Framework. In my assessment, the LP has an approach to sustainable tourism development in rural areas. Here, policies enable such development both within and outside settlements. Therefore, I do not think that the LP competes with national policy to the extent where it could be considered out of date or inconsistent with it. Neither would any of the aforementioned benefits be sufficient to justify a decision otherwise than in accordance with the development plan. To do so would undermine the overarching strategic tourism objectives of the LP.

### **Other Matters**

35. I have paid regard to the appellant's comments in respect of the planning history. This includes pre-application engagement with various groups and individuals. However, even though this is commendable and in accordance with the Framework, this has no bearing on my decision which is based on the planning merits of the proposal.

### **Conclusion**

36. Whilst there is no compelling evidence of conflict with Policy DM17 of the LP, this does not outweigh the harm to the conflict with other policies in the development plan. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

*J Hills*

INSPECTOR