



Appeal Decision

Site visit made on 11 October 2023

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/X1118/W/22/3310242

West Pilliven, Lane to West Pilliven, Witheridge, Devon EX16 8QD

- 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 M McKenna against the decision of North Devon District Council.
 - The application Ref 75762, dated 11 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is described as “expansion of existing camping use”.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as “expansion of existing camping use” at West Pilliven, Lane to West Pilliven, Witheridge, Devon, EX16 8QD, in accordance with the terms of the application, Ref 75762, dated 11 August 2022, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issue

2. The main issue is whether the site provides a suitable location for the proposed tourist accommodation.

Reasons

3. West Pilliven is a detached dwelling which is situated in the open countryside. The field to the south of the property contains areas of decking which were empty at the time of my site visit. I understand that two yurts are temporarily placed on the decking and rented for holiday accommodation. However, as the development has been implemented under permitted development rights¹ (rather than having planning permission) the yurts can only be used as holiday accommodation for a maximum of 28 days each year.
4. Policy DM18 (paragraph 2) of the Local Plan² states that outside main centres *the development of new and the expansion or rationalisation of existing tourism accommodation will be supported*. I turn first to the question of whether the proposal is consistent with this aspect of the policy.
5. According to the Glossary section of the Local Plan *tourism accommodation includes any type of accommodation for use within the tourism industry and takes many different forms... including camping sites*. This definition is broad and does not exclude temporary structures or accommodation which is only available for limited periods of the year. On this basis, it seems to me that the yurts can be said to comprise tourism accommodation.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

² North Devon And Torridge Local Plan 2011-2031, adopted October 2018

6. In terms of whether the proposal relates to *existing* tourism accommodation, the Council refer to the Local Plan FAQ³ which provides further guidance on how Policy DM18 should be interpreted. This says that evidence should be provided to demonstrate that the tourism accommodation is well established, *with an expectation that this will include trading accounts and information that demonstrates the extent of previous and future bookings*. The FAQ is not part of the statutory development plan and so I am unable to assign this document the same weight as adopted policy. Nonetheless, it provides a useful framework for assessing the proposal.
7. In this case, the appellant's business plan indicates that the yurts have accommodated guests since 2019 and information has been provided to show that a website and booking system is now in place. I am also informed that a degree of marketing has taken place in the form of search engine optimisation. However, no trading accounts are provided and little information has been given to show previous and future bookings. As such, this evidence falls short of what the FAQ considers to be necessary.
8. Despite these shortcomings, I am confident that the site has been run as a tourist operation for some time. The Council does not dispute that the yurts have been used to accommodate guests and an officer noted that the yurts were being advertised when the appellant sought pre-application planning advice in April 2021. This is consistent with the description provided in the business plan and my own observations of the site.
9. While I understand the Council's point that the yurts are temporary in nature and can only operate for 28 days at a time, they nonetheless provide tourism accommodation and have done so for a number of years. Policy DM18 does not make any distinction between tourism accommodation that operates under permitted development rights and that which has previously been granted planning permission. As such, I consider that the proposal relates to existing tourism accommodation in the context of Policy DM18.
10. The first part of Policy DM18 (paragraph 2) also refers to *the development of new and the expansion or rationalisation* of existing tourism accommodation. In this case, the effect of granting planning permission would be to extend the period of time in which yurts could be used to host guests. It seems to me that this would equate to expansion of the tourism accommodation and would therefore be consistent with this aspect of the policy.
11. Policy DM18 (paragraph 2) only supports tourist accommodation if it complies with any one of the first three criteria set out in (a) to (c). Of most relevance to the current case is criterion (b) which supports development that *improves facilities for or diversifies the range or improves the quality of existing tourism accommodation*. While the proposal would not result in any physical changes to the site, it would nonetheless lead to diversification of the tourist offering insofar as it would increase the availability of the yurts throughout the season. Hence, in my view, the proposal would comply with criterion (b).
12. It is also necessary for the proposal to comply with criteria (d) to (h) of Policy DM18 (paragraph 2). There is little before me to indicate that the proposal would conflict with criteria (e) to (h). As the enterprise would remain very small scale, the proposal would also comply with criterion (d) which says that

³ North Devon And Torridge Local Plan 2011-2031 Frequently Asked Questions (FAQs) September 2020

the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction.

13. The proposal would therefore be compliant with Policy DM18 as a whole. Ordinarily, development in countryside locations such as this is not supported by the Local Plan. The spatial strategy set out in Policy ST07 steers growth to the most accessible locations and I am conscious that the site is remote from the range of shops and services necessary for everyday living. Occupiers of the yurts would likely drive to the site and, upon arrival, would have to drive relatively long distances to access facilities beyond Witheridge.
14. However, the overall objective of the Local Plan (as set out in Policy ST01) is to achieve sustainable development. This includes the economic aspects of sustainability. For this reason, Policy DM14 allows small scale economic development to take place in relatively inaccessible parts of the countryside. Although the proposal does not meet the terms of Policy DM14, I have found that it would comply with Policy DM18 which seeks to boost the rural economy in other ways. By extending the length of time that the yurts are available for visitors to book, the proposal would also be broadly compatible with the aims of Policy ST13, which aims to support a year round tourism industry.
15. The two yurts are very small scale and already in operation. In my view, the environmental harm caused by guests driving to the site would be outweighed by the boost to the tourism sector. The proposal would therefore represent a sustainable form of development consistent with Policy ST01.
16. My attention has been drawn to two dismissed appeal decisions⁴ for tourist accommodation on other sites. I am not aware of the full circumstances of each case but, from the information provided, it would appear that these sites did not have any existing tourism accommodation. As such, these cases do not provide a convincing precedent for the current appeal.
17. For the above reasons, I therefore conclude that the site provides a suitable location for the proposed tourist accommodation.

Conditions

18. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To ensure that the yurts are not used as permanent homes, there are also conditions limiting occupation to short term holiday use. There are also conditions to ensure that there are only two yurts on the site and that they are only occupied between certain dates. This is to ensure that the development remains small scale and compatible with its rural location.

Conclusion

19. The appeal is allowed.

C Cresswell

INSPECTOR

⁴ Appeal Reference APP/X1118/W/21/3283696 and APP/X1118/W/19/3223133

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PIL-002 B, PIL-102 H, WES-201 A, WES-202 B.
- 3) The development hereby permitted shall not be used otherwise than for the provision of short let holiday accommodation. The tents/yurts should not be occupied by any one person for a period exceeding 28 days in any calendar year. The owner/occupier shall maintain a register of occupants for each calendar year. This should be made available on request for inspection by the Local Planning Authority.
- 4) No more than two tents/yurts should be stationed on the land at any one time.
- 5) The tents/yurts shall be occupied only between 1st April and 30th September in any one year. No tents/yurts occupying the site shall be used for any other purpose other than holiday occupation.