

Dismissed Appeals

Site:- Former Pontin's Wall Park Holiday Centre, Wall Park Road, Brixham, TQ9 9UG

Case Officer:- Pete Roberts / Pat Steward

LPA ref:- P/2010/0541/MOA

PINS Ref:- APP/X1165/A/11/2145178

Proposal:- Demolition of the bungalow on Wall Park Road and all buildings on site and the erection of up to 219 residential dwellings, a 60 bed care / nursing home (C2 Use), 2 bat barns, (1 of which to be a heated winter roost), use of land for touring caravans / camping and associated administration facilities, alteration of access onto Centry Road and alteration of access onto Wall Park Road together with the provision of a formal LEAP and information public open space, landscape and wildlife mitigation measures and associated works. All matters are reserved apart from access.

Council's decision:- Refuse on the grounds of landscape / AONB impact and loss of a tourism site, contrary to Local Plan policy.

Inspector's reasons:- The Inspector considered there were three main issues to consider:

1. The effect of the proposed development on the character and appearance of the AONB;
2. Whether redevelopment of the site for non-tourism uses would be appropriate; and
3. whether the proposal is supported by the deliverability of a 5 year supply of housing land in Torbay.

On the first issue (**landscape / AONB**), a significant amount of new evidence / information was submitted by the appellants. This showed the proposed development had a greater impact on landscape / AONB than was revealed in information submitted with the planning application. The Torbay Landscape Character Assessment and Brixham Urban Fringe Study provided very useful context for the assessment of impact. The Inspector considered that the proposal would have beneficial impacts in terms of nature conservation, but concluded that the AONB was designated for its landscape and scenic beauty and that these issues carry greater weight than nature conservation. Consequently he considered the proposed scheme would be harmful to the character and appearance of the AONB.

On the second issue (**tourism**), the Inspector considered the existing buildings on site had come to the end of their design life and were not capable of viable re-use. In relation to tourism policy (specifically TU10), the Inspector considered the site has already been lost as a tourist destination and that loss of the site would not have a negative impact on the general holiday character of the area, noting that the future of tourism in Brixham is likely to be better served by other forms of accommodation. He also expressed doubt that the site falls within a prime location for holiday use and suggests the site will not be sufficiently attractive (in terms of location) to support a major tourism investment. The Tourism Strategy (Turning the Tide) provided a useful point of reference for the Inspector on the quality of offer to tourists and quantity of bed spaces. He noted the need to retain at least 10,000 holiday park bed spaces, but agreed the number of such bed spaces currently is closer to 16,500 than the 12,300 quoted in the Strategy. The Inspector also acknowledged increased demand for premium caravans and lodges, including those acquired as second homes. The Inspector concluded the site does retain some potential for limited reuse for tourism purposes and, as such, the proposal is contrary to Local Plan policy and national policy (PPS4) on tourism.

Consequently, the Inspector supported the Council's reasons for refusal.

On the third main issue (**housing**), however, the Inspector considered whether the Council has met the requirement (in national policy – PPS3) to provide a 5 year supply of housing land. PPS3 indicates that, in the event of a 5 year supply not being available, planning applications for housing should be considered favourably (Members should note a similar approach, re a 6 year supply, is being taken in the draft National Planning Policy Statement). Having considered a range of different options (for the numbers of homes the 5 year land supply should cater for), the Inspector accepted that current local plan policy on housing was the only one capable of having ‘development plan’ status (i.e. RSS and emerging Core Strategy policies do not have that status). Consequently, the Inspector attached no weight to the 20,000 and 15,000 new homes target set out in RSS iterations, but appears to give some weight to the 10,000 new homes target and the DCLG’s more recent household projection (2011 – 2031) of 13,051. On the basis of housing land provision in the Bay, these two ‘targets’ equate, respectively, to 5.24 and 3.65 years supply.

The Inspector also considered the numbers of houses being delivered (which is different to the supply of housing land). He acknowledged the rate at which houses are built and sites are developed are matters largely outside the Council’s control. Nonetheless, the Inspector considered the Council was optimistic in its prediction of 720 houses per annum over the next 5 years, which he thought reflected ‘housing boom’ delivery rates. He considered the housing completion rate, of 391 per annum, over the last 3 years (of recession) was more likely to continue. In his view, this rate was reflected in the appellant’s realistic method of calculating building rates. The Inspector also thought the delivery of a significant number of affordable houses in the proposed scheme was an important benefit.

He concluded there is not a current 5 year supply of housing land available in Torbay. This assessment of Torbay’s position is likely to have significant implications for decisions on major development proposals, especially those on arguably less sensitive sites. It will be important for the Council to address, as quickly as possible, this shortfall in housing land availability. The availability of land carries more weight if it has a recent planning permission, rather than just being an allocated site for example. Many Local Planning Authorities only use land with planning permission in the calculation of five year land supply.

A range of others issues, including **traffic**, were considered by the Inspector – as they were raised by third parties. The Inspector found no reason to object to the proposal on highway grounds.

The Inspector also considered all the components of the scheme (housing, care facility, caravan and camping) to be relatively footloose and capable of being accommodated on other sites outside the AONB.

The Inspector did not consider Torbay’s under-supply of housing land or the prospect of affordable housing provision to be so exceptional as to ‘over-rule’ national and local requirements to protect AONB. He also concluded the site retains some prospect of redevelopment for a tourism-based use. Consequently he considered the site to be both unsuitable for housing and environmentally unsustainable.

The Inspector dismissed the appeal.