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# Appeal Decision

Site visit made on 21 November 2018

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 December 2018

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**Appeal Ref: APP/X1118/W/18/3198352**

**Moor Lane, Georgeham EX33 1PA**

- 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 Malcolm Bremner against the decision of North Devon District Council.
  - The application Ref 58033, dated 26 August 2014, was refused by notice dated 21 September 2017.
  - The development proposed is erection of one unit of holiday accommodation on land at Moor Lane Croyde Braunton.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The North Devon and Torrridge Local Plan 2011-2031 (LP) was adopted by Torrridge District Council and North Devon Council on 29 October 2018. Comments were sought from the Council and appellant regarding the effect of the adopted LP on the appeal proposal. The appeal has been determined accordingly.

## Main Issue

3. The main issue is whether the site would be an appropriate location for the proposed development, having regard to local planning policy and the effect of the proposal on the character and appearance of the area, with particular reference to the Area of Outstanding Natural Beauty (AONB) and Heritage Coast.

## Reasons

4. LP Policy ST07 sets out the spatial development strategy for the Northern Devon's Rural Area and supports development in accordance with its hierarchy to achieve an economically resilient and active rural area. For planning purposes the LP classifies Croyde as a village. Despite surrounding properties, uses and a nearby bus stop, the site is outside the development boundary for Croyde and as such is within a countryside location. Policy ST07 (4) goes on to state that in the countryside beyond villages, 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. Letters from local letting agents have been submitted which indicate demand for the holiday accommodation and it is put to me that the site's

- location, condition and landscape designations restrict the proposal to a countryside location.
5. However, based on the submitted evidence, I am not convinced that the proposed holiday accommodation would accord with Policy ST07 (4). In addition, whilst ST07 para 4.15 recognises there is a further tier of generally small settlements with and without services, which contribute to the overall sustainability of the rural area, the text goes on to identify locally generated housing needs in qualifying rural settlements. In this light I note Policy ST07 (3).
  6. Of relevance, LP Policy ST09 (3) supports new tourist accommodation of an appropriate scale within the Developed Coast where they enhance the quality or diversity of the local tourism offer and will not detract from the character of protected landscapes and other environmental assets. However, as set out by the Council, the site is not located within the Developed Coast. LP Policy ST09 (7) sets out that development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coasts, and it is required because it cannot reasonably be located outside the Undeveloped Coast and estuary. No convincing evidence is before me to demonstrate that the proposal cannot be reasonably located outside the Undeveloped Coast.
  7. LP Policy DM18 relates to tourism accommodation and of relevance sets out that outside the sub-regional, strategic, main and local centres, the development of new tourism accommodation will be supported where it is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction or improves facilities for or diversifies the range or improves the quality of existing tourism accommodation. Based on its proximity and access to the beach via the nearby slipway, and other immediately surrounding visitor uses, the proposal would be related directly and compatible in scale with existing tourism, visitor and leisure attractions.
  8. LP Policy DM18 also requires that the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction; that the Undeveloped Coast is not subject to significant harm and is conserved and enhanced; and the proposal protects and enhances the special qualities of the AONB and provides an overall environmental enhancement when assessed throughout a year. In addition, LP Policy ST14 seeks to ensure that development contributes to conserving the setting and special character and qualities of the AONB whilst fostering the social and economic well-being of the area, conserves and enhances local distinctiveness, and protects and enhances local landscape character. Paragraph 172 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Of relevance, paragraph 83 of the Framework states that decisions should enable sustainable rural tourism which respects the character of the countryside.
  9. During my site visit I observed that properties, walls and hedgerows abutting Moor Lane give the site vicinity an enclosed character. However, when observed from the adjoining beach and from the public right of way to the

south, an open countryside character prevails despite the presence of sea walls and the groups of properties. Despite the backdrop and adjoining development, stone walls and the current condition of the site, the openness of the site in close proximity to the beach has a visual affinity with open land to the north of the site and the wider open countryside of the surrounding area.

10. When viewed from Moor Lane, the proposal would retain the enclosed character at this section of the highway. Nonetheless, despite its height, scale, and siting in relation to surrounding properties, the proposal would result in a loss of openness at the site. This loss of openness would harm the site's visual affinity with the open countryside character of the area evident in public views to the south. Despite the materials proposed (which include matching stone walls) the development would be a prominent feature when viewed from these vantage points. As such, the resultant harm to the open countryside character of the area would be particularly noticeable and harmful, and would not conserve and enhance the landscape and scenic beauty of the AONB and would detract from the undeveloped character of the Heritage Coast. Development permitted in the immediate site surroundings is highlighted in support of the proposal. However the cited developments would not justify or prevent the harm identified above. Moreover, I must determine the proposal on its own planning merits. Based on my findings above, the proposal would not represent good, outstanding or innovative design as set out in the Framework.
11. In reaching this view, I have taken into account social and economic benefits associated with the proposal in the context of LP Policy ST14. These include the proposal's support to the local tourist economy, to recreation access, the anti-social and health and safety site considerations as set out by the appellant, and the visual and functional improvements to the sea wall. I also understand that prior to its subdivision and part development, the site was part of a large open field that offered views of the beach. However these factors would not prevent or outweigh the harm identified above. Nor would the Council's Environmental Impact Assessment screening opinion and reference to the site as a 'greenfield windfall' prevent or justify the harm identified. In addition, I cannot agree that the proposal would represent infill development based on the separation distance between the site and Middleborough House. Moreover LP Policy DM24 does not apply to the proposed tourism accommodation.
12. I have also considered the appeal decisions and Council planning decisions cited by the appellant. However, based on the information submitted, these decisions materially differ to the proposal before me, with reference to the different site locations, level of harm identified, different forms of development proposed, and different development plan involved. As such the cited decisions are not directly comparable with the appeal before me. Moreover I must determine the appeal on its own individual merits.
13. Therefore the site would not be an appropriate location for the proposed development, having regard to local planning policy and the effect of the proposal on the character and appearance of the area, with particular reference to the AONB and Heritage Coast. As such the proposal would be contrary to LP policies DM18, ST09, ST14 and paragraphs 83 and 172 of the Framework which are of most relevance to the proposal. The proposal would conflict with these policies insofar as they seek to conserve and enhance the landscape, qualities

and scenic beauty of the AONB and ensure development does not detract from the undeveloped character of the Heritage Coast.

*Other matters*

14. A number of benefits are associated with the proposal as highlighted above. The proposal has also received local support, including from the Parish Council and from the Planning Committee on a number of occasions. In addition, the Council have raised no concern in relation to a number of other material considerations, which include highway safety, neighbouring living conditions and flooding. However an absence of harm can only be considered as a neutral factor in the planning balance. I also note the extensive planning history of the site and the appellant's concerns regarding procedural matters at the planning application stage. In addition, I acknowledge that this decision will be a disappointment to the appellant. However I must determine the proposal on its individual planning merits.
15. Overall, the above identified benefits and factors would not outweigh the harm and associated policy conflict identified in relation to the above main issue. Consequently the proposal would not represent sustainable development or sustainable rural tourism as set out by the Framework.

**Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*B Bowker*

INSPECTOR