



Appeal Decision

Site visit made on 1 February 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/F9498/W/21/3282023

The Hazery, Luxborough, Watchet, Somerset TA23 0SD

- 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 Aiden Dermody against the decision of Exmoor National Park Authority.
 - The application Ref 6/20/21/101, dated 8 January 2021, was refused by notice dated 18 June 2021.
 - The development proposed is a new domestic entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. Insofar as it is relevant to this appeal, I have taken the Framework into account in reaching my decision.

Main Issue

3. The main issue is the effect on the character and appearance of the National Park.

Reasons

4. The appeal site is located within a wooded valley with the Washford River running along the valley bottom. The road is set up from the river and runs along its southern side. The land south of the road rises steeply, with woodland covering much of its slope. To the north of the river, the land rises more gently and it is on this side that 'The Hazery' is located, a large stone dwelling under a thatch roof. The land on either side of the river, between the road and the host dwelling is relatively level before it rises steeply to the north behind The Hazery. This results in a highly attractive and picturesque scene.
5. I accept that the scheme has been carefully considered in relation to physical and technical compliance. The point of access is in a location which does not require the removal of trees or hedgerows given the existence of a timber post and rail fence at the proposed point of access and excavated material would be banked back against the new access structure and given a turf finish to reduce its visual impact. In addition, the use of natural stone to the exposed faces of the proposed development utilises a material which is prevalent in the local area and in this respect, I agree that there is no conflict with the relevant parts

- of Policies AC-S2, CE-D1, CE-S6 of the LP which seek, in summary and amongst other things, the use of appropriate local materials.
6. However, I find that the proposal would be a stark, substantial, man-made structure in an otherwise predominantly natural landscape. I accept that the visual impact of the proposal would not be wide ranging, and that the proposed works would only be visible from the point of access from the highway. However, the access would be 10 metres wide this point and from here, the scale of the structure, it's macadam finish to the surface and the provision of metal railings above the stone vehicle impact barrier would result in a development which would be highly visible, with an overtly domestic appearance and as such, would result in significant harm to the picturesque character and appearance of the area.
 7. The appellant advises that the stone bridge on the existing access is both unsafe and not within their control. I have not been provided with a structural report and whilst I understand that the appellant has no lawful entitlement to undertake such work, neither have I been specifically directed to visible elements of the bridge which indicate it is unsound. In the absence of evidence relating to the structural condition of the bridge, I can only give this limited weight.
 8. The appellant highlights that a number of the consultees in the planning application process did not raise any particular areas of concern or that the issues they highlighted could be overcome by the imposition of conditions on any grant of planning permission. I accept that the proposal does not conflict with some of the criteria in the LP policies in respect of flood risk, ecology and rights of way. However, I do not find that the lack of objection or even the lack of comment from consultees, is sufficient justification to set aside the duty in paragraph 176 of the Framework which requires that I give great weight to conserving and enhancing landscape and scenic beauty in the National Park.
 9. Given my findings in respect of the visual impact of the proposed development, I conclude that the proposal would not conserve and enhance the landscape and scenic beauty of the National Park and as a result would be contrary to the relevant parts of Policies GP1, CE-S1, CE-D1, CE-S6, AC-S2 and AC-D1 which together and amongst other things, seek high quality design which reflects local landscape character and conserves and enhances the natural beauty and special qualities of the National Park.

Other Matters

10. The parish council and an interested party have raised the issue of highway safety in respect of visibility at the proposed access and the ability of the access to cater for larger vehicles. The Council advise that the visibility proposed is below the standard required for an access on to a road which is subject to a 60mph speed limit. However, they are satisfied that the road is lightly trafficked and that actual traffic speeds are likely to be significantly below this, such that the proposed visibility is acceptable. They are also satisfied that the layout, width, alignment and position of the gates is such that it could accommodate the traffic likely to be attracted to the site. This concurs with my own observations. As such, the proposal would not have an adverse impact on the highway safety of road users and I find no conflict with Policies AC-S2 and AC-D2 in this respect which, amongst other things, seek to protect road safety interests.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR