



Appeal Decision

Site visit made on 10 January 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2023.

Appeal Ref: APP/W1145/W/22/3303486

Northway Holiday Cottages, Road From Greenfields To Northway House, Horns Cross, Devon EX39 5EA

- 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 Oliver Peacock, HPB Assurance Limited against the decision of Torridge District Council.
 - The application Ref 1/0144/2022/FUL, dated 9 February 2022, was refused by notice dated 20 April 2022.
 - The development proposed is two new passing bays to the lane leading to Northway from the A39, Horns Cross.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal refers to the Northern Devon Area of Outstanding Natural Beauty. However, it was confirmed during the appeal that it is the North Devon Coast Area of Outstanding Natural Beauty (AONB).

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and whether the appeal site is in an appropriate location for the proposed development with regard to the local development strategy.

Reasons

Character and appearance

4. The development would be located directly off the winding lane on land currently comprising boundary hedgerows with small areas of agricultural fields behind. The lane itself is narrow with tall hedgerows on banks creating a sunken appearance. The development lies within the AONB and as detailed in the North Devon Coast AONB Management Plan 2019-2024, the immediate area is characterised by a landscape formed by farmland and woodland divided by sunken narrow rural lanes with high hedgerows and hedge banks. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty.
5. While the hedgerows would be translocated, part of the existing natural historic alignment and narrow nature of the lane and its hedgerows would be eroded as part of the proposal. The lane would be widened in two places and become

more engineered in its appearance as the new hedgerows divert around the shape of the passing bays that would uncharacteristically widen the lane. The alignment of the replacement hedgerows, in combination with the additional hard surfacing to the road will remove its sunken narrow and natural nature on these parts of the lane.

6. I therefore find that the proposal would significantly harm the character and appearance of the area and the AONB to which I have given great weight. As such, the proposal would conflict with the requirements of Policies ST04, ST09(7), ST14(e)-(h), DM04 and DM08A the North Devon and Torridge Local Plan 2011-2031 (LP). Amongst other things, these stipulate, that development should respond to its context, not detract from the unspoilt character and appearance of an area, conserves and enhances the setting and special character and qualities of the AONB and local landscape and is limited to that which meet local economic and social needs and are necessary in a Countryside location.
7. The Council's reason for refusal references paragraph 177 of the Framework. However, due to the small scale of the proposal, I find that it does not comprise major development for which paragraph 177 of the Framework applies.

Appropriate location

8. Whilst I note that the Framework and Policies DM05 and DM08A of the LP do not require a need to be demonstrated for the development proposed, Policy ST07(4) of the LP states that development in the Countryside will be limited to that which is enabled to meet local economic and social needs and development which is necessarily restricted to a Countryside location.
9. The proposal would provide a moderate benefit to some users of the lane in terms of increased passing places, but aside from this there is very limited evidence before me in relation to any economic or social need for the proposal. In addition, there is limited evidence before me of the proposal being needed to support rural employment or farm and rural business diversification to justify its Countryside location.
10. I conclude that the appeal site would not be in an appropriate location for the proposed development with regard to the local development strategy. As a result, I find that the development is contrary to Policy ST07 of the LP that limits development within the Countryside to that which meet local economic and social needs, and which are necessarily restricted to a Countryside location.

Other Matters

11. There are limited passing places on the lane and the proposal has the potential to result in a moderate benefit to its users. However, there is little evidence in front of me to demonstrate that the lane is unsafe, that its narrow nature and limited passing places are causing undue inconvenience for users, or that existing informal passing places will not remain available. I note that the Inspector dealing with an appeal in February 2019¹ considered that there were sufficient passing areas to serve traffic flows. I have no reason to come to a different conclusion.

¹ Reference: APP/W1145/W/18/3210896

12. I appreciate that there is no evidence of any harm to ecology. However, this is a neutral factor which neither weighs for or against the proposal.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR