



Appeal Decision

Site visit made on 21 February 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/W1145/W/22/3304623

Follyfoot Manor (Follyfoot Equestrian Centre), Sandymere Rd, Northam, N Devon, EX39 1XR

- 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 Miss Sally Jobson-scott against the decision of Torridge District Council.
 - The application Ref 1/1068/2021/FUL, dated 11 October 2021, was refused by notice dated 16 February 2022.
 - The development proposed is to erect one barn for use as stabling and storage of hay and straw, and form new visibility splays / drop kerb to the existing road and access onto Appledore Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal set out on the application form is lengthy. I have extracted the relevant parts in the banner heading above to give a more succinct description. The proposal was amended before the Council made its decision. The initial submission was for two barns: a pole barn beside the existing one, and a detached barn. This was amended by withdrawing the proposal for the pole barn and proposing a bigger detached barn in a different position. It is upon this amended proposal that the Council made its decision, and upon which I shall determine the appeal.
3. Adjacent to the red line site area stands a structure referred to as 'existing war bunker' on the submitted plan. This building is part of a grade II listed building known as the Northam Chain Home Radar Station and is one of two Type C Receiver Blocks that make up the list entry along with several other structures. The Receiver Block is a reinforced concrete structure that was originally surrounded by an earth mound or traverse for blast protection. This earth covering has been removed. There is considerable correspondence relating to this matter before me. However, matters such as when this work was carried out and whether the appellant knew the building was listed are unrelated to the appeal proposal.
4. At my visit I viewed the building without its earth covering. I was also able to see other buildings that form part of the same list entry that are still with their earth covering, and in doing so was able to appreciate what the building would look like if its covering was still in place.

5. There is correspondence before me relating to the way that the building is marked on the Historic England map that forms part of the official list entry. The appellant is concerned that the area marked is too large and that this has been altered from an earlier map. There is however no dispute that the building is listed, and I was able to view the extent of the building to fully appreciate its scale and position relative to the proposed building when I visited the site. I am of the view that this is a matter that is immaterial to the appeal proposal and not something that I need to consider further.
6. At my visit I saw that a temporary stable building has been erected to the south of the Receiver Block. The appellant refers to this in her submissions. There is nothing before me to suggest that this has received planning permission or that I should view it as a permanent building. I am therefore of the view that this is a matter that I do not need to consider further.

Main Issues

7. The main issues are whether the site is suitably located for the development proposed, with regard to development plan policies relating to development in the countryside and in areas of undeveloped coast, and its effect on the character and appearance of the area, including the setting of the Grade II listed Northam Chain Home Radar Station.

Reasons

8. The appeal site is located outside of the developed area of Northam, which is close by but clearly contained by the road to the south of the site. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) establishes that development in the countryside 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. Policy ST09 of the LP establishes that development within the undeveloped coast will be supported where it does not detract from the unspoilt character, appearance, and tranquillity of the area, and it is required because it cannot reasonably be located outside the undeveloped coast.
9. The proposal is put forward as an expansion of the existing equine business. It would however be remote from the main cluster of existing buildings to the west as the appellant is keen to establish a location where her valuable mares, foals, and breeding stock can be isolated to minimise the spread of disease. Whilst it is necessary for such a development to be adjacent to paddocks or fields, it is not clear whether the building would have a functional dependence on the existing buildings to the west, or whether in fact it would operate in a largely independent manner, given the emphasis the appellant places on keeping the horses separate. On this basis, and particularly because the business operates at an international level with a breeding programme in Portugal, it is not clear why the building should be located here rather than an alternative location that might offer a similar level of bio security.
10. Although the site is close to a road with the suburban edge of Northam extending up to the other side of the road, it is seen as part of an open, wild and tranquil landscape that is characterised by a significant lack of development. Existing development in the area is limited to the isolated and visually discrete defence structures, which include the Receiver Block.

11. The site is outside the North Devon Coast Area of Outstanding Natural Beauty (AONB), but forms part of its setting and shares characteristics with it. The broad and expansive open landscape around the appeal site extends from the developed edge of Northam to the sea and over the AONB. The Council's Joint Landscape Character Assessment 2010 defines it as an undeveloped landscape with strong sense of wildness and high levels of tranquillity.
12. The interrelationship between the site and the AONB is in part illustrated by the Grade II listed Northam Chain Home Radar Station, of which a Receiver Block is close to the site and outside of the AONB but is part of a single list entry for the dispersed Radar Station, much of which is within the AONB. The AONB Management Plan recognises the historic dimension of the landscape and its rich heritage that includes sites for strategic defences, of which the Radar Station is an important part and thus contributes to its special qualities.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The nature of the landscape, the dispersed and isolated appearance of the various individual buildings, and their interrelationship are important characteristics of the listed building's setting that contribute to its significance. The individual structures are visually discreet, particularly those that retain their original earth covering. They occupy isolated positions within an open landscape.
14. The proposed building would be sizeable. It would sit alongside an existing mature hedge. This would help reduce its visual impact when viewed from the west. However, the hedge is low, scrubby, and thin in places. The building would thus still be seen through the hedge. Vegetation in the area is limited, low lying and windswept, which adds to its wild appearance. Significant additional planting that would be sufficient to meaningfully reduce the visual impact of the building by thickening up the existing hedge and planting to the the south and east would not accord with the area's character and appearance.
15. Thus, the proposal would harm the openness and tranquil character and appearance of the area. It would draw development presence out from the well defined edge of the settlement into the open and wild landscape to the north of the road. In this context the building would be prominent to view and incongruous within an area that is characterised by broad and expansive vistas and a lack of significant development.
16. In terms of the impact on the listed building, the proposal would introduce a large building close to the Receiver Block that, coupled with expansive areas of hardstanding, would erode its isolated, remote, and undeveloped setting, and thus harm its significance. I accept that the existing attached pole barn has already caused some harm. However, this structure is of a modest scale and is attached to the historic structure and thus does not erode its isolated appearance to the extent that the proposed building would.
17. In terms of the National Planning Policy Framework (the Framework) the harm to the significance of the listed building would be less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.

18. The appellant commits to re-lining the Receiver Block with bitumen and reinstating its earth covering. Listed building consent does not appear to have been granted for such work and the plans do not show the reinstated earth covering relative to the areas of hardstanding. Furthermore, based on the evidence before me, it would appear to be the case that a significant portion of the earth was removed recently without listed building consent. This is therefore a matter that should be addressed anyway, rather than a proposed enhancement that could be accepted as a public benefit of the proposal. I therefore give this matter little weight.
19. The appellant advises that the existing business is successful, that it is used by locals and tourists, and that it generates employment. The proposal would create a modest level of additional employment and would allow the business to expand. This is a public benefit that attracts reasonable weight.
20. The public benefits of the proposal therefore carry some weight. Paragraph 189 of the Framework states that heritage assets are an irreplaceable resource and paragraph 199 establishes that great weight should be given to the conservation of a heritage asset. I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
21. In summary, the proposal would not be suitably located. It would harm the character and appearance of the undeveloped coast and the setting of the AONB. It would fail to meet the requirements of the LBCA as it would harm aspects of the setting of the listed building that contribute to its significance. It would fail to accord with Policies ST04, DM04, DM07, ST09, ST14, ST15, DM16 and DM08A of the LP. Together these Policies seek to ensure that development proposals are suitably located, well designed to respond to the characteristics of the site including the unspoilt character, appearance and tranquillity of the undeveloped coast; and conserve the setting of heritage assets and the AONB.

Other Matters

22. The appellant refers to other sites nearby that are in various uses without planning permission. The information related to these sites is limited, and there is nothing before me to set out the Council's position with regard to potential enforcement. I have considered the proposal before me on its own merits. I am not satisfied that development at these other sites should have any bearing on my decision.
23. The appellant refers to the possibility of converting the Receiver Block into holiday accommodation in the future. It is not clear how this would fit alongside the proposal, whether the building would be suitable for such a conversion, or what benefit it might offer. I am therefore not satisfied that this suggestion should have any bearing on my decision.

Conclusion

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR