

Appeal Decision

Site visit made on 3 September 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2024

Appeal Ref: APP/W1145/W/22/3303460

Northway Holiday Cottages, Horns Cross, Devon EX39 5EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by HPB Assurance Limited against the decision of Torridge District Council.
 - The application Ref is 1/0162/2022/FUL.
 - The development proposed is amendment to previously approved single storey reception building (1/0620/2017/FUL) addition of a second storey one bed flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a new National Planning Policy Framework (the Framework) has been adopted (December 2023). The refusal reason makes reference to paragraphs 110, 111, 112, and 177 of the Framework. The text of this is unchanged in paragraphs 114, 115, 116, and 183 of the new Framework. As such, further comments from the parties are not necessary in the interest of natural justice.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site is within a National Landscape (NL) where the Framework attaches great weight to conserving and enhancing landscape beauty. It is in an exposed open countryside location characterised by its rolling hills that provide reaching views of the north Devon coast. Being part of an existing tourism development, the appeal site forms part of its Developed Coast as set out within the North Devon and Torridge Local Plan 2011-2031 (LP).
5. The appeal building comprises a small, single storey and timber clad structure that had been completed at the time of my visit. It is positioned on the higher part of a wider field and forms a modest peripheral addition to a small cluster of other modern, timber clad buildings. Nevertheless, its siting on the edge of

this cluster and next to the less developed space around means that the eye is drawn to it as a feature in the landscape. Beyond it lies an attractive grouping of stone and rendered buildings. These are of traditional appearance and set down on a lower part of the wider complex. From here, and around the tennis court, the ridge of the appeal building appears to be at a similar height to that of the two storey building behind it.

6. It is acknowledged that wider public views of the proposal would be limited, though it would be noticeable from the site entrance. Despite the scale of the increase in height, the proposal would stand unusually proud. Consequently, it would be at odds with the layout appearance and height of development found in this cluster of buildings. It would also result in a prominent feature against the open landscape setting and coastal backdrop of the NL. I therefore do not agree with the appellant's assertion that it would integrate well as part of a visually coherent group.
7. The proposed additional storey would not increase the footprint of the existing building. It would be of a modern design, reflective of the cluster of buildings surrounding it. However, the broken eaves would introduce an unusual feature that would contrast with the simple lines and roof form seen on other nearby buildings. Although the visual effect of this would be tempered by the orientation towards the swimming pool building, it would not be a complementary feature. This, together with the large amount of first floor glazing would overly domesticate and complicate the existing more recessive built form. Collectively, the proposed alterations to the appeal building would fail to protect and enhance the setting and special qualities of the NL. This is a matter that must be given great weight.
8. Therefore, I conclude on this main issue that the proposal would harmfully affect the character and appearance of the area. As such, there would be conflict with policies ST04, ST09, ST14, DM04, DM08, and DM18 of the LP which, collectively in this respect, seek to ensure developments respond to site characteristics and preserve and enhance the special character and qualities of protected landscapes. Given the small scale of the development proposed, there is little to show any conflict with paragraph 183 of the Framework.

Highway Safety

9. It is acknowledged that the proposal would be likely to result in additional vehicle movements to and from the appeal site by the provision of a 2 person unit of accommodation. The Council cites its highway officer objection to the proposal, where it is identified that additional traffic caused by the development would lead to an increased risk of conflict with a junction on the A39. In addition, evidence has been provided of a single slight accident at this junction in December 2019. In that context, I have paid regard to the 3rd party representations, including the submitted traffic survey from January 2022.
10. In assessing the overall effect on traffic movements, it is however important to review the appeal site history. Much of this is set out in the evidence, which includes a previous appeal¹ at this site where highway safety was at issue.

¹ APP/W1145/W/18/3210896

The Council is concerned that no evidence has been provided which could allay concerns in this regard. However, in respect of overall traffic movements, the evidence shows that if occupied to its full capacity, previous extant permissions have the potential to allow more traffic movements than could be generated by this scheme and the previous appeal. This is a matter that can be afforded significant weight in favour of the proposal.

11. Nevertheless, having entered and exited the appeal site and junction myself, I agree with the previous Inspector that visibility at the junction with the A39 is constrained. When turning off the A39, I was required to wait for passing traffic to clear. In doing so, cars stopped behind me. Given the relatively low speeds in this restricted speed area, this did not cause any noticeable conflict. When entering onto the A39 in an easterly direction, it was necessary to creep forward, though drivers of oncoming vehicles were aware of the presence of my vehicle. Whilst crossing the A39 in a westerly direction would be more constrained, the junction was safely navigable at the time of my lunchtime visit.
12. Additionally, there are a good number of passing places between the A39 junction and appeal site. Even though several of these had been informally blocked, it is unlikely that an additional unit of accommodation would generate an unacceptable impact on highway safety. For the reasons given, it is also unlikely that additional traffic movements caused by the development would result in severe cumulative impacts on the highway network. This would align with paragraph 115 of the Framework.
13. Therefore, for the reasons given, the development would not prejudice highway safety. As such, there would be no conflict with policies DM05 and DM18 of the LP which, in part, require that all development ensures safe and well-designed vehicular access and egress, that the safety of public highway users is maintained and that the local road network can accommodate the scale and type of traffic to be generated. There would also be no conflict with paragraphs 114 – 116 of the Framework, which require, amongst other things, that a safe and suitable access to the site can be achieved for all users.

Other Matters

14. The appellant refers to compliance with paragraph 177 of the Framework. However, this is concerned with plan, rather than decision making. There is little evidence it is therefore relevant to this appeal.
15. In respect of character and appearance, my attention has been drawn to an extract of wording from a previous appeal² at this site. However, it is noted that scheme was for a different development. Additionally, character and appearance was not a matter in dispute, whereas it is central to this appeal. Whilst located in the NL, the two schemes are not comparable. In any case, I have assessed this proposal on its merits and the evidence before me.
16. The appellant highlights that there has been no objection to the proposal by the AONB partnership. However, this is not a reason to allow unacceptable development. This is a neutral matter. It is however acknowledged that the

² APP/W1145/W/18/3210896

proposal would bring in some limited economic benefits to the continued business operation in this coastal spot and through spending in the local area/larger settlements. However, any such benefits would be modest given the very small scale of the proposal. In that context, I have paid regard to the identified organisational support for the visitor economy and that set out in the Framework.

17. The Council refers to an appeal³ in the context of highway safety, though offers no specific comment on this. That appeal concerned a different proposal in a different location. Therefore, the effect on highway safety there is materially different to this appeal. I therefore give this matter no weight.

Planning Balance and Conclusion

18. Bringing together my conclusions on the main issues, I have found that the proposal would not prejudice highway safety. However, this, along with any aforementioned economic benefits would not be sufficient to outweigh the great weight given to the harm I have identified to the character and appearance of the NL.
19. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development fails to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

³ APP/W1145/W/22/3308069