



Appeal Decision

Site visit made on 17 June 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/X1118/W/25/3362950

35A The Brittons, Braunton, Devon EX33 2HF

- 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 Mrs Yvonne Tuson against the decision of North Devon District Council.
 - The application Ref is 78733.
 - The development proposed is described as “proposed dwelling.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the proposed development can be secured as a principal residence.

Reasons

Character and appearance

3. The appeal site comprises a narrow wedge of land that is mostly laid to grass, forming part of a pleasant residential garden. It is linked to a property that is claimed to have been on site long before the wider housing estate was built. Positioned on a bend in a quiet street, the appeal site provides a small unbuilt area within the estate that is otherwise mostly characterised by single storey properties. While plot ratios may have altered over time, the vast majority of houses are contained within well-proportioned gardens, set back from the pavements with soft landscaping or parking areas. That said to the rear of the appeal site and along Lower Park Road, rooms in the roof and two storey developments are not uncommon. Even though some of these properties have first floor windows, they are somewhat separated from the housing layout of The Brittons.
4. The proposal would provide a 1 bed property built over 2 storeys with the 1st floor in its roof space. Its overall height would be lower than that of the properties behind it, thus avoiding a dominating effect on them. However, as mentioned, these front a different road.
5. It is claimed that the corner siting of the dwelling means that a continued building line of properties would not be expected. However, while the low fronted wall and hedge to the appeal site’s frontage would be retained, the dwelling would be positioned right up against it, consuming a large proportion of the overall plot. In the context of the street it would front, the dwelling would be much taller than the

closest neighbour at No 35 and its massing and fenestration would loom large over the adjacent pavement. Furthermore, it would be taller than the host property at 35A and set in front of it, dominating its nearby space. This would create an unwelcoming layout and somewhat restricted parking arrangement that would not add to the overall quality of the area as set out in paragraph 135 of the National Planning Policy Framework (the Framework).

6. While roof height extensions to a nearby property are acknowledged, the development would nevertheless impose itself on the locality, creating an unusually cramped relationship with surrounding buildings. As a consequence, it would be a type of infill wholly out of place, particularly when compared with the set back of more spacious frontages found in the immediate vicinity.
7. My attention has been drawn to a planning permission in a different part of the settlement. I took the opportunity to visit Field Close and this area contains blocks of 2 storey properties of an entirely different scale and layout to that of the appeal site. The evidence shows that scheme includes a dwelling on a similar building line to its host. It is not comparable. In addition, I am mindful of a previous appeal decision at this site¹, though have assessed this proposal on its merits.
8. For the reasons given above, I therefore conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the area. As such, there would be conflict with policies ST04 and DM04 of the North Devon and Torridge Local Plan, and policies H9 and BE1 of the Braunton Neighbourhood Plan (NP). Amongst other things, these policies seek to ensure infill developments are well related in scale, form and character to the built-up area and its setting.

Occupancy

9. Policy H1 of the NP is supportive of new housing where it provides permanent residential occupation only. Part 3 of the policy requires principal residence occupation to be secured by a signed planning obligation, or S106 Agreement. The aim of the policy set out in the supporting text is to provide permanent homes in an area where it is said the community has been impacted by the continued growth of holiday homes.
10. It is understood that there have been some delays in producing a finalised S106 Agreement and an unsigned and undated draft accompanies this appeal. While this may be the case, the Procedural Guide to planning appeals says that for written representations, the appellant must ensure that an executed and certified copy of the planning obligation is received at the time of making their appeal. Therefore, in the absence of such a completed document, the draft obligation has no effect and carries no weight. As such, the proposal conflicts with NP Policy H1.
11. It has however been brought to my attention that an inspector dealing with an appeal decision in St Ives² agreed that such an occupancy condition could be secured by way of a planning condition, meeting the tests set out in the Framework, now contained within paragraph 57. The Council does not contest this claim and had I been otherwise minded to allow the appeal, I agree that an appropriately worded condition could achieve the same aims of NP Policy H1.

¹ APP/X1118/W/22/3290714

² APP/D0840/W/16/3160559

12. I therefore conclude on this main issue that the proposed development could be secured as a principal residence.

Other Considerations

13. The appellant highlights that the Council does not raise any concern with matters including its location in a built-up area, living conditions including privacy, daylight and sunlight; biodiversity, highways, flood risk, or drainage. While I note interested party comments in respect of some of these matters, I find no substantive reason to disagree with the Council. However, this is a neutral factor that would not offset the harm identified in respect of the character and appearance of the area.
14. I have paid regard to representations made in respect of the need for a new dwelling, including family connections to the appeal site and their contribution to the wider community. These can however only be afforded limited weight in favour of the proposal. Moreover, the level of often heartfelt local support for the appellant's proposal is noted, though this is not a reason in itself to allow unacceptable development.
15. Representations concerning the appeal site history are noted though are not relevant to the determination of this appeal.
16. There is little to show the scheme would be secured as an affordable home, though its small scale would limit its overall market value in an area which is said to have high house prices. It would nevertheless provide sustainably designed accommodation suitable for a person or persons wishing to permanently reside within a well-served location. There would also be small biodiversity gains. These benefits weigh in favour of the proposed development to a moderate degree. In addition to these social benefits, there would be some modest but temporary economic gains to the local construction industry, and through ongoing consumer spending thereafter.

Planning Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
18. Although the occupancy could be controlled, this would not be outweighed by the harm to the character and appearance of the area. As such, there would be conflict with the development plan as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations would not outweigh the identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

