



Appeal Decision

Hearing held on 22 July 2025

Site visits made on 22 & 23 July 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/W1145/W/25/3359853

Land at Wooda Road, Appledore

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Baker Estates Ltd against the decision of Torridge District Council.
 - The application Ref is 1/0205/2022/OUTM.
 - The development proposed is residential development of up to 36 dwellings, public open space and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline form with all matters save for access reserved for future consideration. As such, whilst a number of indicative plans have been produced detailing a layout of a scheme for up to 36 dwellings with internal access roads and open spaces, these have been treated as indicative in nature.
3. A draft planning obligation made under Section 106 of the Act was submitted and discussed at the hearing which provides for 30% affordable housing, 10% biodiversity net gain¹ (BNG) and financial contributions towards built facilities, education, green infrastructure, highways and healthcare. This S106 sought to supersede a unilateral undertaking dated 29 January 2025. A final version of the S106 was received on 1 August 2025 and is addressed below.
4. Following the change of procedure to a hearing, the appellant and Council produced three statements of common ground (SoCGs) one on general matters (Overarching SoCG), one in relation to acoustic matters (Noise SoCG), and the last in relation to landscape and visual matters (Landscape SoCG).
5. The Overarching SoCG sets out that following the publication of the National Planning Policy Framework (the Framework) in December 2024, the standard method is to be used to calculate the housing needs and has increased the annual requirement from 861 dwellings to 1,329 dwellings. Taken across the combined authority area of Torridge and North Devon, the deduction of the undisputed supply from the five year requirement with appropriate buffer results in a housing land supply position of 4.86 years, equivalent to a deficit of 192 dwellings. It is on this basis that the main parties agree that the provisions of paragraph 11 d) of the Framework are engaged for decision making purposes.

¹ Despite BNG not being a mandatory requirement in respect of the scheme given the date of its original submission

Main Issues

6. The main issues in the appeal are:
- whether the development complies with the development plan in terms of its scale and location;
 - the effects of the proposal on the Undeveloped Coast;
 - the effects of the proposal on the landscape character and visual amenities of the area; and
 - whether adequate living conditions could be created for future occupiers, with particular regard to noise.

Context

7. The appeal site comprises around 2.4 hectares of greenfield land towards the south of the settlement of Appledore, enclosed by hedgerows. A development of 89 dwellings constructed by the appellant company has been recently completed to the south-west and would provide access to the appeal site. Another development of 27 dwellings is under construction by another developer adjoining it. The combination of the dwellings recently completed and under construction would provide 116 dwellings on an area of land allocated to receive 130 dwellings under Policy NOR07 of the *Joint North Devon and Torridge Local Plan 2011 – 2031* (adopted 2018) (NDTLP).
8. Farmland adjoins the site to the east and south. The appeal site has a close relationship with the River Torridge and Taw Torridge Estuary. Appledore Shipyard lies at the mouth of the River Torridge, a short distance away in an easterly direction.

Reasons

Scale and Location

9. NDTLP Policy ST01 states that the Councils will take a positive approach to development proposals in line with the Framework. NDTLP Policy ST06 identifies Appledore, along with Northam and Westward Ho! as part of an identified Main Centre which will support appropriate levels of growth that will increase these settlements' capacities to increase self-containment and to meet their own needs. However, Policy ST06 directs development to sites *within* the development boundaries of the respective settlements and towards allocated sites.
10. Policy ST08 seeks to focus development at the sub-regional, strategic and main centres and sets a minimum housing requirement over the plan period of 17,220 dwellings. The allocation for the main centre of Northam, Appledore and Westward Ho! is for a minimum of 1,916 dwellings.
11. Policy NOR sets out the vision for the main centre of Northam, Appledore and Westward Ho! and specifically promotes the development of Appledore as a centre for maritime activities, supporting employment by safeguarding and developing upon important economic resources, significantly in relation to Appledore Shipyard, port facilities and tourism assets. The Policy also sets out the need to provide the minimum of 1,916 dwellings to meet all the communities housing needs along with associated development and infrastructure in a manner that, amongst other things,

seeks to avoid coalescence between Appledore and Northam and the designated Green Wedge in Northam.

12. The Overarching SoCG outlines that the site is outside of the settlement boundary for Appledore under the NDTLP, on land outside of but adjoining the housing allocation policy, NOR07. It is therefore in the countryside in policy terms.
13. Policy ST07 limits development in the countryside, i.e. beyond defined local centres, villages and rural settlements, to development which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.
14. NDTLP Policy ST21 includes requirements for reviews of the plan where, amongst other things, delivery rates or supply forecasts fall below specified trigger points. I return to this particular Policy further below.
15. By virtue of its location outside of the settlement boundary and beyond the allocation of Policy NOR07, without justification for a countryside location, the development of up to 36 dwellings on the appeal site conflicts with the NDTLP Policies ST06, ST07 and NOR.

Undeveloped Coast

16. The whole of Appledore is within the designated Coast and Estuary Zone and by virtue of it being undeveloped and outside of Appledore's development boundary, the appeal site also falls within Undeveloped Coast, to which NDTLP Policy ST09 (7) applies. Policy ST09 (7) supports development where it would 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 and estuary.
17. I return to the effects on the character, appearance and tranquillity of the Undeveloped Coast in the following section. However, in terms of the Policy requirement to demonstrate why the development could not reasonably be located outside of the Undeveloped Coast, little cogent evidence has been provided to support the appellant's position beyond the reliance on the Council's inability to demonstrate a five year supply of housing land in the plan area and suggestion that other sites are unavailable for such purposes.
18. In the absence of robust evidence to justify such, the proposal would detract from the Undeveloped Coast landscape resource in conflict with NDTLP Policy ST09 (7).

Landscape and Visual Effects

19. I have had regard to the material including the appellant's Landscape and Visual Appraisal², addenda responses, in addition to accurate visual representations and photomontages produced by the appellant and third party experts. From these and my own observations, it is apparent that the appeal site displays characteristics and qualities of the host and adjoining landscape character areas/types (as defined by the *Devon Landscape Character Assessment* (2015) and *Joint Landscape Character Assessment for North Devon & Torridge* (2010)); the Bideford Bay Coast, Taw and Torridge Estuary, High Culm Ridges and Coastal

² Leyton Place Landscape Planning February 2022

Undulating Farmland. These characteristics include undeveloped skylines; open views and a mixed composition of pasture, woodland and settlement.

20. Whilst the site is a part of the Undeveloped Coast designation, within the wider Coast and Estuarine Zone (CEZ), I do not regard it as strictly forming part of a valued landscape under the terms of the Framework.
21. The adjacent development of 89 dwellings and those under construction have changed some of the local landscape character and appearance and made the settlement a more dominant and sprawling feature. However, the spread and extent of development has been kept away from the more prominent estuary-facing slopes and edges and there are relatively modest infringements of the rural and undeveloped coastal landscape.
22. Despite the indicative suggestion to limit the overall storey heights and concentrate development in the lower parts of the site, the proposal to construct up to 36 dwellings, would be at a higher elevation than most of the dwellings that have been recently constructed or are under construction locally. Whilst much emphasis has been placed on which development would have the highest and most prominent ridge heights, the more apparent feature would be the spread of additional built mass across the area and onto the higher, more visible tracts of land from the opposite side of the River, harmful to the coastal setting. The development would read as an extension of the adjacent development but through its close proximity to prominent dwellings in Pitt Hill, it would also combine with them to read as an enlarged swathe of suburban development. Such changes would be clearly visible to users of the wider Public Right of Way (PROW) network, including clear views from the south. Some of these views would also feature the development as breaching the skyline.
23. There would also be effects on visual receptors on land at the Grade II* Registered Park and from the Tarka Trail to the east of the site, which, whilst featuring the Shipyard and maritime infrastructure as notable elements in such views, would feature the development as extending higher than existing development and closer to the river in a more sensitive position. Given the number, distance and various locations of these affected viewpoints, the visual effects would not be limited to a highly localised context.
24. There would also be substantial visual effects from the development on the users of the PROW which runs through the site itself, which offers a visual connection to the estuary and wider coastal environment. The PROW would be rerouted through the built form of the development and sever much of the visual connection to the high quality coastal surroundings. The provision of public open space with more limited connectivity to local PROWs, whilst offering some recreational opportunities, would not offset the harm to users of this particular PROW.
25. I have given consideration to the extent to which tree planting could assist in mitigating the effects of the development. A tree belt on the southern and eastern outer edges, if successfully established beyond year 10 of completion, would assist in reducing the prominence of the development in some views, but would not entirely screen all of it and it would be of greater benefit from some vantage points than others.
26. The consideration of the effects on the character and appearance of the area also overlaps with the character and appearance of the Undeveloped Coast. In this

particular area of the Undeveloped Coast, the tranquillity is affected by the more direct relationship with the recently extended settlement, the Shipyard and other related maritime influences. Whilst I have found that there would be harm to the character and appearance of this part of the Undeveloped Coast, the development would not be materially harmful in respect of its effects specifically on tranquillity.

27. Taking the above together, the proposal would cause adverse harm, which in the instances of landscape character and visual effects on local PROWs in particular, would be of a substantially adverse magnitude of effect. Therefore, the proposal is contrary to NDTLP Policies ST14, DM08A and NOR which seek to ensure development conserves and enhances local distinctiveness and respects landscape character of both designated and undesignated landscapes and seascapes. It would also detract from the character and appearance of the Undeveloped Coast contrary to Policy ST09(7).

Noise Environment

28. The subject of noise has been outlined in various reports produced on behalf of both main parties – the CSA Report³, the CSA Letter⁴, the HMPL Review of Noise Assessment⁵ and the HMPL Review of Noise Survey⁶. Reference has also been made to a previous report undertaken in 2012 by Eddie Jewel Acoustics. The Noise SoCG outlines that Appledore Shipyard is the major source of noise in the vicinity of the appeal site which has permission to operate 24 hours a day, 7 days a week.
29. The Noise SoCG records that the CSA Report was based upon noise survey data collected during periods of unknown activity at the Shipyard and that some assumptions were necessarily made as to the likely levels of noise from activity occurring or likely to occur in the future. A Landowner Statement of April 2025⁷ details that since changing hands, the shipyard is now in fuller operation with plans for further intensification. It also outlines plans to increase the intensity of operations to fulfil contracts of increased value and steel content and materially expand in the future.
30. The Noise SoCG outlines that an opportunity exists now for more extensive surveying at the site and that the appellant will be able to undertake additional surveying over periods to be agreed, and either with full cooperation from the owner of the Shipyard or agreement on some assumptions to be used in the absence thereof. Despite the results of this additional survey information not being available now, the appellant's position is that the appeal is for outline consent and that the matter of noise impacts on proposed dwellings and their amenity spaces can be considered as a reserved matter and that outline planning permission could be granted. It was further explained at the hearing that there is sufficient room within the site to achieve a form and layout of development, which, with building fabric measures could create an acceptable noise environment for future occupiers.
31. With the gradual return to more normal business conditions at the Shipyard and the change in ownership, the demands on the appellant to respond with further noise survey efforts have been particularly onerous. That said, the written evidence

³ Land off Wooda Road, Appledore; ProPG and BS4142:2014 Acoustic Assessment dated January 2022

⁴ Noise Assessment Addendum dated August 2022

⁵ Dated July 2022

⁶ Dated September 2022

⁷ Ref NUK-APL-001

before me appears to downplay the noise levels to which the future occupiers would be exposed. As such an example⁸, the surveys within the CSA Report record instances of 44 dB LAeq during the periods of night monitoring at both positions LT1 and LT2. Yet, the nighttime noise levels for the indicatively positioned easternmost dwelling are predicted to be no greater than 27 dB LAeq⁹. Separately, predictions from the earlier Eddie Jewel Report also suggest around a 10dB difference between predicted nighttime noise levels at closely related dwellings compared to the lower figures offered within the appellant's evidence. The CSA Letter does not go far enough to prove the reliability of the presented evidence and leaves great doubt about what environment could be created for future occupiers.

32. A further point advanced by the appellant is that the agent of change principle would or should have applied equally to other residential premises, some of which are far closer to the Shipyard, and that the obligation on the developer of the application site to mitigate noise effects should be no greater than that placed on other developments. The examples of recently permitted schemes include the 89 dwellings completed by the appellant company and a single dwelling more recently permitted to the south of the site¹⁰ without any noise-related conditions. Other existing dwellings along Hubbastone Road are similarly close to the Shipyard, although they largely form a part of the area's older housing stock.
33. The relationship of any noise sensitive receptors to the noise generated by the Shipyard is specific to their respective locations and conditions. Each of the site contexts of the other examples differs in respect of distances, topography, vegetation cover and other barrier features, such as buildings, which affect the propagation of noise over intervening distances. The dwellings completed under the Policy NOR07 allocation were able to demonstrate acceptable noise conditions subject to conditions following assessments found to be acceptable on the then relevant noise environment. On the other hand, the single dwelling to the south of the site, whilst within the settlement boundary, appears not appear to have been subject of similar scrutiny in terms of the noise environment as an oversight, rather than by reasoned and deliberate approach. Fortuitously, it was easier to see on the ground that there are physical attributes in respect of that dwelling's location and relationship to other built and natural features that are likely to offer a more protective noise environment than the appeal site, but clearly, a risk still remains that business operations at the Shipyard may, if prompted and assessed, be found harmful to occupiers of said dwelling. However, this latter uninformed approach does not set a precedent for decision making that could potentially expose up to a further 36 households to potentially unacceptable noise levels and place business activities at the Shipyard under a yet greater threat.
34. A response from the Council under the Freedom of Information Act (2000) dated 10 June 2025 indicates that there have been no noise complaints in relation to the Shipyard since January 2020. It is positive that the Shipyard business has changed hands, regained some momentum and generated some economic output whilst not triggering residents to complain to date. This may also indicate some degree of tolerance by local residents, though recent incoming residents or those yet to occupy homes under construction may not yet fully appreciate the dynamic noise environment. However, it cannot be denied that the situation is relatively fragile and

⁸ Accepted at the hearing under Hearing document 2

⁹ Predicted LAeq 15 min noise level (exc. Shot blasting) – night, Fig AS10738/N2

¹⁰ Under planning reference: 1/1278/2022/FUL dated 8 March 2023

that a balance is required between protecting local residents and the business interests of the Shipyard and maritime industry. The addition of a material number of new residents into this equation should, in my view, only proceed with the certain knowledge that their living, sleeping and recreational conditions can be made acceptable without undue compromises to how they can enjoy their homes and gardens. Even on the basis of the scheme being in outline form, I am not satisfied that the noise evidence is sufficiently comprehensive and reliable to guarantee compliance with any suggested conditions limiting maximum noise levels.

35. Any future material changes of use or development at the Shipyard requiring planning permission should consider the noise effects of those changes on all occupiers in the surrounding area. The focus of this decision is on the interactions between currently permissible activities at the Shipyard, along with relevant working times and durations that do not trigger the need for such. However, in the absence of robust evidence qualifying that even the existing noise environment would be suitable for new residents of the appeal site, the proposal is contrary to, in particular, Policies DM01 and DM04 of the NDTLP which seek to ensure that the intended occupants of the proposed development would not be harmed as a result of existing uses.

Other Matters

36. Despite an informative on the Council's decision notice, the main parties agree in the Overarching SoCG that the appeal proposals are acceptable in respect of ecology, subject to appropriate conditions and that the Ecological Impact Assessment can be relied upon. This position is refuted by expert evidence commissioned by a local resident. Though noting the differences in findings between the relevant experts, this is not a determinative matter in the appeal.
37. The Overarching SoCG records that as at April 2025, there were 182 households in need of affordable housing for rent in the parish of Northam. Whilst the adjoining scheme was only able to deliver 4 affordable dwellings due to viability, the current appeal scheme would provide 30% affordable dwellings (rounded up to 11 dwellings) with a mix of social rent and intermediate discount tenures as a contribution to the evident and undisputed affordable housing needs.
38. Notwithstanding its position outside of the settlement boundary, it is agreed between the main parties that the site is well located for walking and cycling to facilities in Appledore, including, a primary school, public houses, cafes, shops and a bus stop which links to Bideford. There are also employment opportunities within and associated with shipbuilding in the area. The site is therefore sustainably located and this is a factor which weighs in favour of the scheme.
39. The Council has submitted a Community Infrastructure Levy Statement which justifies the obligations in the S106, including the financial contributions towards built facilities, education, green infrastructure, highways and healthcare. I am content that these contributions would be necessary and directly related in scale and kind so as to mitigate the impacts of new residents on local facilities and infrastructure. The S106, also providing for 30% affordable housing and BNG, is therefore capable of being taken into account.

40. My attention has been drawn to a number of outcomes and appeal decisions for developments in the wider surrounding area¹¹, some of which have been permitted, and some of which have been dismissed. I have considered the findings of each of these in respect of the Undeveloped Coast and Policy ST09(7), the comparisons in terms of landscape and visual impacts and the overall conclusions. However, none of the specific factors in terms of site locations, characteristics of the development or overall policy and planning balances are so directly comparable so as to dictate the outcome of the appeal proposal. Thus, I have focused on the merits on the appeal scheme before me.

Planning Balance and Conclusion

41. The conflicts with the policies of the development plan arise due to the location of the site, the scale and nature of development; the effects on the Undeveloped Coast; the harm to the landscape character and visual amenities of the area and from the inability to qualify an acceptable noise environment for future occupiers. The combination of these harms brings the scheme into conflict with the development plan when read as a whole.
42. The Council's inability to demonstrate a five year supply of housing land and engagement of the provisions of Framework paragraph 11 d) reduce the weight that I attribute to the policies that constrain the delivery of housing, including Policies ST06, ST07 and NOR. Policy ST21 fixes trigger points for reviews of the NDTLP, but insofar as the housing need figures have been superseded, it is of limited overall consequence in this case.
43. Clearly, housing will need to be delivered on areas outside of identified development boundaries, however, it does not follow that such housing needs to be within the Undeveloped Coast, particularly where it would detract from aspects such as its character and appearance. Therefore, NDTLP Policy ST09(7) can still attract weight as a means to afford adequate protection to this particular resource over land of lesser sensitivity.
44. By way of a summary, I attach reduced weight to the principle conflicts with Policies ST06, ST07 and NOR, but the conflicts with Policies ST09(7), DM01, DM04, ST14, DM08A and NOR in terms of the Undeveloped Coast, visual and landscape effects and noise considerations for future residents attract full weight.
45. The appeal proposal would deliver up to 36 dwellings and in a sustainable location for access to everyday facilities. It would also provide 11 of those dwellings as affordable tenures to meet the identified affordable housing needs. As such, the scheme would make a sizeable contribution towards addressing the modest housing land supply shortfall. This overall contribution and the associated affordable housing component are the main public benefits of the scheme which attract great weight relative to the scale of the development.
46. The scheme would also deliver an economic boost through the construction phase and through the future spending of incoming residents. It would also deliver limited benefits through the provision of public open space and BNG enhancements. I attach modest weight to the totality of these benefits. Other offered conditions and financial contributions would offset the impacts of the development but are of overall neutral effect on my decision in this case.

¹¹ Including APP/X1118/W/21/3271336, APP/W1145/W/21/3283161 and APP/X1118/W/23/3318751

47. Taking all of the above together, my overall view is that the harms from the scheme would significantly and demonstrably outweigh the benefits that it would generate. For this reason, the presumption in favour of sustainable development does not indicate that a decision should be taken other than in accordance with the development plan.

48. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Aryes	Land & Planning Director, Baker Estates,
Nicole Stacey	Planning Director, Baker Estates
Clare Brockhurst	Landscape Consultant
Matt Sugden	Noise Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Helen Smith	Planning Manager
Ian Rowland	Planning Policy Team Leader
Angelo Massos	Principal Planning Officer
Peter Leaver	Landscape Consultant, David Wilson Partnership
Seth Roberts	Noise - Haynes McKenzie Partnership

INTERESTED PARTIES:

Mr Jeremy Bell	Northam Town Council
Katherine Taylor	Local resident
Peter England	Local resident
Andrew Parkinson	Counsel, on behalf of Stephanie Croft
Peter Radmall	on behalf of Steph Croft, local resident
Geoff Moxon	on behalf of Stephanie Croft, local resident
Keith Goodred	Appledore Residents Association
Neil Lucas	Navantia, The Shipyard
Peter Hames	Councillor for Northam Ward
Stephanie Croft	Local resident
Nicky Tate	Northam Town Council
Jem Freeman	Local resident
Nick Arnold	Battle of Northam Association

HEARING DOCUMENTS:

Document 1	Site visit viewpoint plan
Document 2	Noise data extract

DOCUMENTS RECEIVED AFTER THE HEARING:

Document 3	Engrossed S106
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