



Appeal Decision

Site visit made on 16 September 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/Y1138/W/25/3366163

Land At Grid Reference 271119 108922, Road from Nymet Bridge Cross to Eggesford Cross, Nymet Rowland, Devon EX17 6QX

- 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 Mr P Carter against the decision of Mid Devon District Council.
 - The application Ref is 24/01107/MFUL.
 - The development proposed is 4 Finnish Eco solid laminated log cabins for holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It has been brought to my attention that certain works have already been carried out at the appeal site, including a surfaced parking area. I have however assessed the proposal on the basis of the plans before me.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - highway safety;
 - whether the site is a suitable location for the proposed development having regard to local policy; and
 - whether the site can be suitably drained.

Reasons

Character and appearance

4. The fairly steep, sloping appeal site covers several hectares in area and is located in an exposed countryside position characterised by its open fields and rolling landscape. Vehicular access to the higher part of the site is gained via a narrow country lane. From here and a lower gated entrance, open views into the appeal site are readily available. Glimpsed views of it can be gained from the adjacent lane and parts of the public footpath between vegetation and trees. The 4 cabins would be located downslope of the more exposed ridge and vehicle site entrance, following the land contours.

5. Even so, although covering a fraction of the overall appeal site area, the units of accommodation would nevertheless be sizeable. They would be surrounded by what is described to be large external terraces, raised decking, and hot tubs. A single parking area is shown for one of the units. None are shown for the other 3 units. However, given the relatively long and inconvenient distances future occupants would need to walk to reach the furthestmost units, there may be some pressure for a greater vehicular usage across the wider appeal site. Overall, the development, together with the likely additional associated domestic paraphernalia and other residential activity, including the suggested family camping, would fundamentally alter the character and appearance of a large part of the appeal site's rather tranquil setting.
6. Therefore, despite the flat roof design, and natural material construction, the development would be incongruous. It would not be sympathetic to the landscape setting or add to the overall quality of the area as required by paragraph 135 of the National Planning Policy Framework (the Framework). Moreover, these harmful effects would not be sufficiently mitigated by the planting and landscaping measures.
7. For the reasons given, I 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 S1, S9, S14, DM1, and DM22 of the Mid Devon Local Plan (LP). In part, and amongst other things, these policies aim to preserve and enhance the distinctive qualities of the natural landscape.

Highway Safety

8. It is unlikely that the development would give rise to significant levels of vehicular movement of the type set out in LP Policy DM3, where a transport assessment would be necessary. Nevertheless, a safe access to the transport network and acceptable impacts on it are policy requirements of DM3 and DM22. In that context, the access lane adjacent to the appeal site joins a trunk road with Nymet Rowland, which has a good number of homes with numerous vehicles parked outside properties. While there are alternative access points, regular vehicular movements would nevertheless be expected past the appeal site. The appellant submits that up to 12 vehicles use the lane, though this figure is not based on any formal assessment. Moreover, it conflicts with evidence presented by interested parties and my own observations that the lane is likely to be relatively well used and particularly sensitive to change.
9. The appellant suggests that the proposed parking area could be extended for better access to the public footpath, though this would serve to encourage a greater use of this local road. In any case, it is not part of the proposal. Even if an extra 4 vehicles a week were to use the local road for access, it is not known what this might mean for daily trip generation. The appeal site is in a countryside spot where the steep, unlit and unpaved lanes would discourage pedestrian movements. It is acknowledged that future occupants could enjoy the countryside setting of the appeal site, making use of the public footpath near a river without needing to drive. However, for the reasons given, future occupants would be most likely to regularly drive to and from the appeal site to access shops, services, and other facilities as part of their stay.

10. With that in mind, the local road network adjoining the appeal site is particularly constrained by its narrow width and lack of passing places. Even with the informal arrangements made by the appellant, there are notably long stretches of unlit lane where reversing would be awkward and necessary if vehicles were to meet. The increase in vehicular usage in this particular area could lead to further driver frustration, thus exacerbating the risk of incident. Therefore, in the absence of any compelling evidence to the contrary, it has not been convincingly demonstrated that the development would not harmfully affect the local road network.
11. I therefore conclude on this main issue that the proposed development would have a harmful effect on highway safety. As such, there would be conflict with LP policies DM3 and DM22.

Location

12. LP Policy S1 sets out the strategy for development in the district, which is directed to the most sustainable settlements, adding that rural tourism can be supported in suitable locations. LP Policy ST14 identifies that the sustainable diversification of the rural economy can be achieved, in part, by appropriately scaled tourism development. In assessing proposals for tourism development outside defined settlements LP Policy DM22 requires, amongst other things, justification for a countryside location and a demonstration that the need is not met by existing provision within nearby settlements. The supporting text explains that a marketing strategy and business plan will be expected to explain how a high-quality tourism product meets demand.
13. It is understood that the scheme would be aimed at providing a low-density development for quiet enjoyment of the valley. This could be said of any number of locations in the countryside and is not a convincing reason to justify the development. The suggested target market for people with disabilities, walkers, anglers, or those interested in game or clay shooting is acknowledged. Even so, these groups cover a wide demographic of holiday makers, and the development would not necessarily need to be specifically occupied on this basis. While sporting rights to the nearby river and access to a short public footpath would be beneficial to occupiers, there is little site-specific justification for the establishment of tourism accommodation here.
14. It is highlighted in the officer report that the appellant set out rental costs in the area where it is claimed hotels and pubs are unaffordable, compared with the cheaper cabins. While this may be the case, this is not comparable accommodation, and little detail is provided to corroborate such claims. Additionally, having paid regard to the Hoseasons report, the examples of comparable accommodation are nowhere near the appeal site. Justification for the development is also based on revenue projections. However, these follow a 3-year plan to increase the number of units from 4 to 10. Accordingly, they cannot be relied upon as a sound business plan. Collectively, the evidence does not demonstrate a need for the development or that it is not met within nearby settlements.
15. Furthermore, LP Policy DM22 requires that proposals must minimise environmental impacts; respecting the character and appearance of the location and avoid unacceptable traffic impacts on the local road network. I have already concluded above that the proposal would harm the character and appearance of the area and that the effects on the highway network have not been shown to be acceptable.

Overall, the proposal would undermine the purpose of the Council's tourism strategy.

16. I therefore conclude on this main issue that the site is not in a suitable location for the proposed development having regard to local policy. As such, there would be conflict with LP policies S14 and DM22.

Drainage

17. The Council is concerned that insufficient information has been provided in respect of sustainable drainage systems to avoid flood risk elsewhere. It is acknowledged that the units and impermeable hardstanding area will lead to surface water run-off. However, within the context of such a large appeal site area, even in the absence of percolation tests, there is no firm evidence that grated soakaways would not be an effective method of disposal for 4 units.
18. In that context, notwithstanding the comments made by the local flood authority, it is of note that South West Water has reviewed the scheme and has not highlighted concerns in respect of surface water disposal. Furthermore, the plans show that pathways and access routes would be of permeable construction. Had I been otherwise minded to allow the appeal, this, together with a detailed drainage strategy, including rain harvesting methods such as green roofing, could be secured using an appropriately worded condition, if necessary. This would be proportionate to the nature and scale of the proposal in accordance with paragraph 182 of the Framework.
19. I therefore conclude on this main issue that it is likely the site could be adequately drained. As such, there would be no conflict with LP policies S1 and DM1 which, together in this respect, and amongst other things, seek to minimise the impact of development on climate change through sustainable drainage systems.

Planning Balance and Conclusion

20. Drawing together my conclusions on the main issues, I have found that the scheme could be adequately drained. However, the development would conflict with the development plan as it is not in a suitable location. Moreover, it would harmfully affect the character and appearance of the area and local road network.
21. In terms of other considerations, proportionate biodiversity and landscaping enhancements could be achieved and secured by condition. However, any such environmental benefits would be modest. There would be economic benefits for local pubs, restaurants and businesses, and some full/part time employment opportunities. There would also be some benefits to those working locally in the hospitality trade. These benefits would weigh moderately in favour of the proposal.
22. The scheme would be delivered with a view to reducing carbon emissions. Furthermore, parking provision would be adequate, as would the effects on pollution.
23. However, even when considered cumulatively, the weight given to the aforementioned benefits 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