



Appeal Decision

Site visit made on 30 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/X1118/W/25/3370411

Land South of Boode Road, Braunton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Dave and Tim Aldrich-Smith and Heyland against the decision of North Devon District Council.
 - The application Ref is 80407.
 - The development proposed is application for permission in principle for erection of up to two residential dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for costs which is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. The Council is concerned with the location, and I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development having regard to its location and its effect on the character and appearance of the area.

Reasons

6. Policy ST07 of the North Devon and Torridge Local Plan (LP) sets out the Council's development strategy for the rural area, which focuses on local centres and development within them. Although not far from it, there is no dispute between the

main parties that the appeal site lies outside the settlement of Braunton. On the edge of and adjacent to Braunton's development boundary, Policy H7 of the Braunton Neighbourhood Plan (NP) only supports proposals under certain circumstances. Criterion (i) requires proposals to represent a direct response to local housing needs. Having paid regard to the submitted policy fact sheet, even if it were possible to secure the proposed homes for local families, H7 also requires that proposals are well related to the development boundary, infilling the settlement extent without compromising the special landscape character and setting of Braunton.

7. In that context, the appeal site comprises a relatively small block of land that forms part of a very large and attractive sweeping field valley, bounded on its north side by a characterful narrow lane. Between the appeal site and the more built-up area of the settlement lies a wedge of land that is covered by a dense wooded copse. Even if this parcel of land were to be reverted to an agricultural use, and regardless of its associated grade, the development would still create an unnatural incursion into the field and its surrounding landscape.
8. While there is a nearby sub-station to the south and a property within the development boundary to the north, the appeal site extends well beyond these features and into the open countryside. Therefore, although it would not read as a totally isolated adjunct to other development when viewed from afar, it would nevertheless be set apart from the settlement. As such, even though I agree with the appellant that the appeal site is not isolated in terms of paragraph 84 of the National Planning Policy Framework (the Framework), it cannot be considered infilling.
9. It is acknowledged that the appeal site is not on designated land. Neither is it overly prominent from well used public vantage points, including coastal paths. Even so, glimpsed views of it are available from Boode Road where the point of access would be needed. The detailed design is indeed a technical matter for later consideration, though an assessment of the suitability of a location can include physical effects on the landscape, including what an access might look like. Having had regard to the New Barnstaple Road appeal¹, this is different from a later technical assessment of how it might be engineered for example. As such, given the very narrow and winding lane form, it is likely that substantial operations to the hedgebank would be needed to facilitate the development access. The lane's appearance would be irrevocably and harmfully altered. Furthermore, even with agricultural laybys or a low-profile design, such openings would nevertheless visually reveal much of the appeal site, harming the landscape.
10. For the reasons given the site is not suitable for residential development having regard to its location and its effect on the character and appearance of the area. As such there would be conflict with LP policies BRA, ST04, ST07, ST14, DM04 and DM08A; and NP policies BE1, H7 and NE6. Collectively in this respect and amongst other things, these policies seek to promote development that is well related to settlements, respecting and protecting landscape character, reinforcing the special qualities of the area.

Other Matter

¹ APP/X1118/W/21/3276698

11. The appellant refers to an appeal decision where an inspector afforded significant weight to 2 dwellings in respect of a lack of housing supply. While noted, I have not been able to identify the decision with the reference supplied. Even so, each case must turn on its merits and I have assessed this proposal on the basis of the evidence before me.

Planning Balance and Conclusion

12. The proposal conflicts with the Council's strategic and landscaping policies. Those identified are broadly consistent with those set out in the Framework, particularly in respect of the preservation of the character and appearance of an area. The conflict with them can be given substantial weight. Accordingly, the proposal conflicts with the development plan as a whole.
13. It has been brought to my attention that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, where there is a current supply of about 4.86 years. Paragraph 11 (d) of the Framework indicates that where the required supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. In that context, the importance of development that is sympathetic to local character is embedded within the Framework, and it is explained in paragraph 11 d) ii. that particular regard is paid to key policies for securing well designed places. Footnote 9 identifies paragraph 135 as one of these key policies. In this respect, the development would not be sympathetic to local landscape setting or maintain its strong sense of place; and neither would it add to the overall quality of the area. The identified conflict with this policy weighs heavily against the proposal.
15. Against these adverse impacts, I need to balance the benefits. There would be limited social and economic benefits associated with the proposal. The additional units would make a small but meaningful difference to the overall supply of housing. The support two extra households would provide to the local economy would also be very minor. Additionally, the appeal site is not prohibitively far from a main centre, where there is good access to services and facilities. This weighs moderately in favour of the proposal.
16. However, for the reasons given above, the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.
17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

J Hills

INSPECTOR