



Appeal Decision

Site visit made on 23 September 2025

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **20 OCTOBER 2025**

Appeal Ref: APP/X1118/C/25/3358984

Land lying to the south of Park Cottage, Lee, Ilfracombe EX34 8LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Craig Erskine against an enforcement notice issued by North Devon District Council.
- The notice was issued on 5 December 2024.
- The breach of planning control as alleged in the notice is without planning permission, within the last 4 years, unauthorised operational development consisting of the erection of a timber building outlined in green on the attached plan.
- The requirements of the notice are to:
 - i. Remove timber building in the approximate location outlined in green from the land edged red;
 - ii. Remove from the land edged red any rubbish or debris resulting from compliance with step i and dispose of this in a responsible manner.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Applications for costs

1. An application for costs was made by Mr Craig Erskine against North Devon District Council. This application is the subject of a separate decision.

Preliminary Matters

2. The Council has referred to, and included, the Officer Delegated Report for a refused planning application, reference 79140. This application and the decision are relevant to the appeal, which was submitted to retain the timber building subject of this Enforcement Notice (Notice). The Council has indicated that it is relying on the assessment set out in the Officer Delegated report as a response to the Ground (a) appeal. I shall have regard to the Council's report when considering the appeal on ground (a), and I will refer to it as the 'Council's OD Report' hereafter.
3. It must be acknowledged that the Notice does not allege an unauthorised gazebo, which was part of the development considered and refused as a part of the planning application. For clarity, the gazebo is not part of the allegation set out in paragraph 3 of the Notice; therefore, it does not form part of the appeal on ground (a), and the planning application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 (1990 Act).
4. On the 22 November 2023, all designated 'Areas of Outstanding Natural Beauty' in England and Wales became 'National Landscapes'. I have therefore proceeded on

this basis and will refer to the designation North Devon Coast Area of Outstanding Natural Beauty as the North Devon Coast National Landscape.

5. During the course of the appeal the revised National Planning Policy Framework December 2024 (the Framework) was also published. However, there are no substantive changes relevant to the appeal, and no prejudice would be caused by me having regard to it.

The Ground (a) Appeal and the Deemed Planning Application

6. The **main issues** in this appeal are:
 - Whether the site is a suitable location for the development, with regard to the Council's development strategy.
 - The impact of the development on the character and appearance of the area, with particular regard to the effect on the landscape and scenic beauty of the North Devon Coast National Landscape

Reasons

Suitable Location

7. The appeal site is an undeveloped field parcel located on the outskirts of the village of Lee, outside any defined settlement in the countryside. Policy ST07 of the North Devon and Torridge Local Plan 2018 is relevant to this case, as it outlines a spatial development strategy for rural areas in Northern Devon. Specifically, Part (4) states that, in the countryside, development will be limited to that which meets local economic and social needs, involve the reuse of rural buildings, and development which is necessarily restricted to a countryside location.
8. The land was part of a larger parcel that had been divided into ten smaller plots, with nine sold to different owners for woodland planting. As a result, the appellant's land is relatively small¹, and their activities are neither large-scale nor intensely commercial. The appellant has spent significant time on the land planting 3,000 trees over the past three years, creating a managed mixed native species woodland. As the woodland matures, the appellant plans to manage and coppice it using traditional methods and tools, which will require extended periods on-site², and a building to house a toilet, a welfare area, and storage for tools.
9. Based on the evidence available and what I observed on-site, the proposed building is not excessive in size and is appropriate for the identified needs of storing hand tools, providing a welfare area, and offering toilet facilities. Given the site's isolation and the lack of other structures available for conversion, it is reasonable to have a small building for these purposes while carrying out forestry activities. Therefore, the intended use of the building is appropriate for a countryside location, in compliance with Policy ST07 of the Local Plan.
10. The Council's Officers' Report suggests that the required forestry work is limited, arguing against the functional necessity for a permanent building, particularly one that is not suitable for storing essential materials and machinery for afforestation. The Council also suggests that the appellant could transport tools and equipment to the site by vehicle or travel to the nearest public toilet when needed.

¹ 2.73 hectares (6.75 Acres)- Paragraph 2.2 of the Appellant's Statement of Case

² Approximately 750 to 1000 hours of work annually

11. However, the Council has not identified what essential materials and machinery for afforestation are, and, as noted earlier, the building's size is commensurate with its need to store hand tools as well as provide a toilet and welfare facilities. Frequently transporting equipment to the site and driving back and forth to access toilet facilities or to avoid inclement weather would likely increase vehicular movements to and from the location. Thus, establishing a secure building on-site for hand tools, toilet facilities, and shelter is reasonable and promotes sustainable development.
12. Based on the evidence presented, the building, although small, is related to the forestry activities on the land and constitutes a development confined to the countryside. The construction of the timber building complies with Policy ST07 of the Local Plan, which restricts development outside settlement boundaries to justified exceptions aimed at achieving sustainable development and safeguarding the character and appearance of the countryside.

Character and Appearance

13. The land is situated within the North Devon Coast National Landscape. Section 245 'Protected Landscapes' of the Levelling Up and Regeneration Act 2023 has made a revision to section 85 of the Countryside and Rights of Way Act 2000. This requires that 'relevant authorities' undertaking any function 'must seek to further the purpose of' conserving and enhancing the natural beauty of the area of outstanding natural beauty'. The land is also situated within an area defined as a Heritage Coast.
14. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. Policies DM08A and ST14 of the Local Plan also emphasise that great weight will be given to conserving the landscape and scenic beauty of the North Devon Coast National Landscape. Policy ST09 of the Local Plan states that development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area.
15. The Council's OD report indicates proposals within or affecting the setting of the National Landscape should be informed by the North Devon Coast Area of Outstanding Natural Beauty Management Plan (Management Plan). It also states that the site is a combination of the North Devon High Coast and North Devon Downs regions. The Management Plan indicates that the character areas of these regions stretch from Combe Martin, Morte Point and Saunton Down, and include the popular seaside resort of Ilfracombe and Woolacombe. The area features seascapes and a rugged coastline dotted with rocky headlands, sheltered coves, coastal heathland and enclosed wooded coastal combes. The land also transitions from rolling agricultural downland to the sea, with trees softening the windswept vistas.
16. The land subject of the appeal is accessed via a gravel track from Dobbins Lane. The gravel track passes over several field parcels before entering the Land. Due to the undulating topography, the Land slopes from east to west, with a steep valley shape and views of the coast. The site features enclosed wooded coastal combes and coastal views between the steep-sided valleys, which align with some of the special qualities described. The site, therefore, positively contributes to the landscape and scenic beauty of the North Devon Coast National Landscape and heritage coast.

17. The appeal building is a small timber building with a pitched roof. It is single-storey and slightly elevated on supporting posts due to the slope of the land. The building has not been painted, resulting in a natural grey colour to the timber finish. The building includes glazing but does not include any electricity or lighting. The lack of lighting contributes positively to the preservation of dark skies in the area, while the building's small scale and simple design prevent it from appearing overly domestic. This, combined with its natural timber finish, ensures that it positively integrates into its immediate surroundings.
18. Situated amidst trees and distanced considerably from the nearest vehicular access points, highways, and public rights of way, the structure is not prominent from public vantage points. The sloping topography and trees further minimise its visibility from any public vantage point outside of the site. Despite introducing a structure into a predominantly undeveloped area, the impact on the character and appearance of the area is acceptable. It is of an appropriate scale, design and finish, conserving the special visual qualities of the North Devon National Landscape and Heritage Coast.
19. The Management Plan also identifies objectives associated with conserving and enhancing the landscape as well as the biodiversity and geodiversity of the National Landscape. The development ensures that the appellant can undertake activities to increase the size of the woodland, as well as manage it sustainably over time. This will help to maintain and grow the woodland as a landscape feature as well as a habitat, which encourages the use by protected species and combats the effects of climate change. The retention of the building would, therefore, also result in an enhancement of the North Devon National Landscape and Heritage Coast.
20. Accordingly, the overall effect on the landscape and scenic beauty of the North Devon Coast National Landscape and Heritage Coast would be acceptable, and no harm would be caused to the special qualities of the protected area. In view of the above, there is no conflict with the relevant Local Plan policies, the Framework or the advice and guidance set out in the Management Plan, which seek to further the purpose of conserving and enhancing the National Landscape and Heritage Coast.

Other Matters

21. The Council's OD Report refers to Policy DM14 of the Local Plan, but it is not cited as a relevant policy in the reasons for serving the Notice. I was not provided with an extract of the policy, but it is defined within the OD Report as a policy dealing with new small scale economic development on the edge of settlements or in the countryside. Based on the evidence before me, the development is for forestry activities and not a small scale economic development. For this reason, the policy is not relevant, and I have not attributed it weight when making my determination.

Conditions

22. No conditions have been suggested by the main parties, but I have considered the need for conditions in accordance with the Planning Practice Guidance. As the timber building has already been erected, it is not necessary to require a condition to implement the consent within the standard time period or include a plan condition to set out the development.
23. As the development is for a specific forestry need in a National Landscape, where the development plan applies strict control, it is necessary to restrict its use. The parties were given opportunity to provide comments on a suggested condition to restrict the

use. The appellant responded, indicating that they did not object to the condition, but requested that the description of the use included reference to a welfare area providing a dry rest space. Given that the appellant has indicated this would be an element of the use, it is acceptable to include this as part of the described use of the building.

Conclusion

24. In line with the statutory duty of section 85(1) of the CROW Act 2000, the aims and objectives of Policies ST04, ST07 ST09, ST14, DM04 and DM08A of the Local Plan and paragraph 189 and 191 of the Framework, I have given weight to the conservation (and enhancement) of the landscape and scenic beauty of the National Landscape and Heritage Coast. The development is necessarily restricted to the countryside, and is of an appropriate scale, design and function that furthers the purposes of preserving and enhancing the landscape and scenic beauty of the North Devon Coast National Landscape.
25. For the reasons given above, I conclude that the appeal on ground (a) succeeds. I shall grant planning permission for the development as described in the Notice. The Notice will be quashed, and in these circumstances the appeal on grounds (f) and (g) do not fall to be considered.

Formal Decision

26. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) and the plans submitted with it, for the development already carried out, namely the timber building at Land lying to the south of Park Cottage, Lee, Ilfracombe EX34 8LN.
 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the use of the timber building hereby permitted shall be restricted to storage, a compost toilet facility and a welfare area providing a dry rest space in connection with the forestry use on the land, and for no other purpose.

M. P. Howell

INSPECTOR