



Appeal Decision

Site visit made on 4 November 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/X1118/W/25/3371498

Land at Eastacombe, Barnstaple, Devon EX31 3NT

- 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 Jonathan Medland against the decision of North Devon District Council.
 - The application Ref is 80294.
 - The development proposed is described as “proposed residential development for up to 5 dwellings, access and drainage”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address based on the Council’s decision notice, which is also referenced on the appellant’s appeal form. This is because the site address section of the application form is incomplete.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) 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. I have determined the appeal accordingly.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site comprises about half of a large, exposed field adjacent to a small rural hamlet without services or facilities. It is some distance from any larger settlement and about a mile away from one with a primary school, village hall, and church. It is recognised that Paragraph 83 of the National Planning Policy Framework (the Framework) says that development in one village may support services in a village nearby. This is however within the context that housing should

be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Whilst future occupiers could make use of such facilities, there is little before me to demonstrate the school for example would not survive without this proposal.

7. Nevertheless, accessing this and other larger settlements with a broader range of services would require private vehicle use. This is because access to public transport is very limited and the road network is made up of unlit and unpaved lanes as well as busy main roads, making walking or cycling unrealistic options. Accordingly, there would be conflict with Policy ST10 of the North Devon and Torridge Local Plan (LP) which, amongst other things aims to reduce the environmental and social impacts of transport by reducing the need to travel by car. As advanced by interested parties, there would also be conflict with paragraph 117 of the Framework which says, in this respect, that applications for development should give priority first to pedestrian and cycle movements.
8. With that in mind, the appeal site location is defined in the LP as being in the countryside. Here, the LP seeks to control dispersed development, guarding against it in unsustainable locations whilst ensuring the character of the countryside is conserved and enhanced. This strategy is set out in LP Policy ST07 which focusses development on local centres, where wider than local needs are to be met. In the countryside, development will be limited, in part, to that which meets local economic and social needs. Rural settlements with at least one prescribed community service or facility can support development to meet locally generated needs. I acknowledge such settlements would not obviate the need for use of the private car, though the presence of services can help reduce that reliance, especially when compared to locations like the appeal site, which adjoin settlements lacking any facilities.
9. In that context, the Council is concerned that while the need for 2 and 3 bed properties at a district level could be secured at the technical details stage, all 5 would be open market. It is countered that tenure could be controlled later on. Moreover, the appellant suggests that up to 2 smaller units of affordable housing could be brought forward as part of a different layout. Furthermore, it is said that if a registered provider could not be found, discounted market sale could be adopted.
10. While the timing of legal agreements within the process is understood, there is however no mechanism before me that provides any assurances this proposal would be delivered as an affordable housing scheme. In line with paragraph 82 of the Framework, even if 2 or more affordable units could be secured at a later stage, acknowledging the Council's position lacks clarity, the location still has notable failings in respect of its poor access to services and facilities. In any case, there is no provision within LP Policy ST07 supporting any form of housing development at the appeal site. As such, there is little evidence to demonstrate how the proposal could comply with LP Policy ST17, which is concerned with a balanced local housing market. Thus, the scheme is not in an appropriate location or land use and would conflict with the overall thrust of Framework paragraph 83.
11. The appeal site is under 1 hectare in area and is therefore not classed as major development for this type of application. Even so, it covers a relatively large area and would provide up to 5 homes. With this in mind, while there are some properties in the adjoining settlement that are set back from the winding through

lane, the area is mostly characterised by a linear form of housing. There are some outbuildings adjacent to the appeal site, though its openness and exposure provide for an overwhelming sense of rurality when approaching and exiting the settlement. This is materially different to a site at the other end of the settlement where an untypical cluster of houses is found.

12. Even if the layout were to alter as part of any future technical details consent application, the appeal site would still need to be large enough to accommodate 5 dwellings. Whilst scheme mitigation preferences can be indicated now, these cannot be secured, as conditions cannot be applied to a permission in principle and the PPG only encourages applicants to take account of such information. Given the likely amount of space required for developing the site including access and circulation, I cannot be certain the 5 dwellings could be positioned without significant and harmful encroachment into the countryside. As such, the amount of development would be inappropriate. Consequently, there would be conflict with LP policies ST04, DM04, and DM08A which, collectively in this respect, seek to reinforce key characteristics of the site, its wider context, and the surrounding area.
13. For the reasons given, I therefore conclude that the site is not a suitable location for residential development having regard to its location, land use, and the amount of development.

Other Matters

14. Interested parties reference a range of concerns, many of which would need to be addressed at the technical details stage. In that context, I have paid regard to the resident traffic survey. Had I been otherwise minded to allow the appeal, I do not find that the evidence in the round sufficiently demonstrates the proposal should be refused in principle on highway safety.

Planning Balance and Conclusion

15. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. As the current supply has not been advanced, I shall assume the undersupply is severe. The Framework indicates that where the requisite housing land supply does not exist permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. However, it is important that development happens in the right places, and the Framework explains in paragraph 11 d) ii. that particular regard is paid to key policies for directing development to sustainable locations. Such provisions identified in footnote 9 are set out in paragraphs 115 and 135.
17. As I have already explained, the development would not give priority first to pedestrian and cycle movements or prioritise sustainable transport modes. There would therefore be conflict with paragraphs 115 and 117 of the Framework. The Council's spatial strategy aims to avoid a dispersed settlement pattern, minimising conflicts with the principles of sustainable development. Therefore, it is in accordance with the policies of the Framework. As such, the conflict with LP Policy ST07 carries significant weight in this appeal.

18. Additionally, paragraph 135 requires that decisions should ensure developments create places that are accessible, and that are sympathetic to local character, including the surrounding built environment and landscape setting. The amount of housing in this particular location would fail to achieve these aims.
19. The social benefits of housing delivery carry significant weight. It is said that schemes of 5 or less make up over 18% of the total supply which is undoubtedly an important component part to housing delivery in the district. However, while important, 5 dwellings would make a modest contribution to addressing the housing shortfall. Smaller properties could be provided, though it is not clear how these would be secured as affordable homes.
20. Given the small scale of the proposal, there would be some modest benefits to the support of services in another nearby village in accordance with paragraph 83 of the Framework. However, as set out above, there is little to demonstrate such services would be at risk without the scheme.
21. There would also be some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. In that respect, there is little evidence the development would be delayed if the appeal were to be allowed. It is conceivable that biodiversity enhancements could be achieved as part of a later application, though the introduction of 5 dwellings into undeveloped land would mean environmental benefits would be likely to be neutral.
22. Against these benefits I need to balance the adverse impacts. The need to deliver sustainable patterns of growth that are sympathetic to local character are important considerations and ones that are embedded in the Framework. The harm arising from the poor access to services and facilities by sustainable transport modes, and to the character and appearance of the area would run contrary to the social and environmental objectives of sustainable development. These 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.
23. The proposal would conflict with the development plan as a whole and even when considered cumulatively, 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