



Appeal Decision

Site visit made on 28 September 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2026

Appeal Ref: APP/X1118/C/25/3373819

Land at Braunton Marshes, Braunton, (HM Land Registry title number DN330576), EX33 2NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Joanne Clements against an enforcement notice issued by North Devon District Council.
 - The notice was issued on 18 September 2025.
 - The breach of planning control as alleged in the notice is: Within the last 10 years an unauthorised material change of use of land to a storage use and within the last 4 years unauthorised construction of a building with associated extension, generator store, block wall and solar panels on the land for storage purposes and laying of a hardstanding.
 - The requirements of the notice are to:
 - (1) Cease the storage use of the land outlined in red on the attached plan;
 - (2) Remove all items on the land including but not only the piles of waste (remnants of another building formerly on the land now demolished), timber and pallets from the land outlined in red;
 - (3) Remove the building, extension thereof, generator store, block wall and solar panels in the approximate location outlined in green from the land edged in red on the attached plan;
 - (4) Remove the hardstanding in the approximate location outlined in blue from the land edged red on the attached plan;
 - (5) Remove from the land edged red any rubbish or debris resulting from compliance with steps 1-4.
 - The period for compliance with the requirements is within 3 months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a)

2. The appeal has been made on Ground (a) alone. From the stated reasons for issuing the enforcement notice, the main issues in the determination of the appeal are:
 - i) The effect of the development on the character and appearance of the area; and
 - ii) Whether the operational development in the form of the building, walls, generator and hardstanding is an appropriate form of development within a rural area, having regard to relevant local and national planning policies.

Character and Appearance of the Area

3. The appeal site is situated within Braunton Marshes, a low lying and extremely distinctive landscape lying to the north of the River Taw, to the west of the River Caen and to the east of the dunes of Saunton Sands. As the name suggests the land was presumably marshland but it has been drained to enable agricultural production, with the drainage ditches now forming an established part of the character of the area, reminiscent of a Fenland landscape in miniature.
4. The flat terrain provides wide ranging views across the land to the dunes in the distance. Buildings are present but not abundant and where they do exist have an obvious agricultural function. The most prominent structures in the vicinity are traditional agricultural buildings, including the attractive thatched, circular, animal shelter in close proximity and other stone built structures that are visible from the roadside. Those traditional buildings add to the character of the area, being of vernacular design, representative of traditional farming practices.
5. The same cannot be said of the building on the appeal site which is a large timber shed with corrugated metal sheeting on the roof. It has no obvious agricultural function, being more domestic in appearance. Its intended function is not readily apparent but the inside has been fitted with insulated sheeting which has then been varnished, which does not suggest a use for housing livestock or agricultural produce.
6. Thus, the structure adds domestic style clutter to the wider agricultural landscape and its design and materials contrast poorly when set against traditional farm buildings in the area. Moreover, the prevailing openness of the flat landscape is one of its key features and that makes it sensitive to change through the visual impact of unnecessary and incremental built development. I recognise that there are also some more recent agricultural structures in the wider area but they are not prominent and still have a design that is reflective of their agricultural function.
7. The building, particularly its roof, is visible from the roadside and causes harm to the character and appearance of the landscape for the reasons set out above. At close proximity, the storage of various items, the half built blockwork wall and the concrete hardstanding result in an untidy appearance which detracts from the visual character of the site itself, albeit that those elements are not unduly prominent in the landscape.
8. I understand that the present appellant, who purchased the land at auction, has begun to tidy the site and remove some items that were stored by the previous owner. Nonetheless, the remaining items still present an unsightly picture and add to the harm caused by the building.
9. Consequently, the development has caused harm to the character and appearance of the area, contrary to the aims of policies DM04, ST14(g) DM08A and DM14 of the North Devon and Torridge Local Plan 2011-2031 (2018) (the Local Plan) which, amongst other things, seek to ensure that development is of an appropriate design which reflects the characteristics of the landscape and local character.

Whether an Appropriate Location

10. The site is located within the countryside, as defined within the Local Plan. In such a location Policy ST07 states that development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location. That policy, as it applies in this instance, is broadly compliant with Policy S5 of the National Planning Policy Framework which identifies the approach to development outside of settlements.
11. As noted above, there is some uncertainty as to the intended purpose of the building. However, it seems unlikely it was intended for agricultural use, given its design and the lack of any agricultural activity at the site. The land is overgrown and does not appear to have been in productive agricultural use for a number of years judging by the vegetation.
12. Thus, the building cannot be said to be one which requires a rural location. The appellant has indicated that she may like to grow crops on the land and use it as a small-holding in future, keeping rare breed animals. She feels it would be unfair to have to take the building down only to apply to rebuild a structure for the intended use. However, those plans seem somewhat distant and there is nothing taking place at the moment to justify a building being located on site.
13. In any case, any building would need to be designed for its intended purpose, in scale and function, unlike the present structure which seems unsuited to agriculture. Should the appellant commence with her plans to use the land for agricultural purposes in future, she would need to seek planning permission from the Council for any building associated with that use. It is not for me to comment on whether any such application would be acceptable and I must limit my consideration to the present structure and development which is not agricultural in nature. Thus, there is conflict with the locational strategy of Policy ST07 and there is no justification for the present structure to be located within the countryside.
14. Similarly, the items stored at the site, the blockwork wall and concrete hardstanding have no obvious function, being left behind by the previous owner. There is no reason for the storage use to be within the countryside in relation to the requirements of Policy ST07. Overall, the buildings and use are contrary to the aims of the said policy which seeks to limit development within the countryside to that required for economic or social needs of the area or development which is necessarily restricted to a rural location.

Other Matters

15. The appellant purchased the site at auction without realising that the development at the site was unauthorised. Whilst I have some sympathy with the predicament she finds herself in, the onus on anyone purchasing land is to carry out due diligence and I can only assess the development against the relevant planning policies of the development plan. Consequently, the personal circumstances in that regard are not a matter to which I can attach any weight.

Conclusion

16. For the reasons set out, the development causes harm to the character and appearance of the area and fails to comply with the locational strategy of the Local

Plan. It is contrary to the development plan, taken as a whole. No material considerations have been put forward to outweigh that conflict and it follows that the appeal on Ground (a) should be dismissed, the deemed application for planning permission refused and the enforcement notice upheld.

Chris Preston

INSPECTOR