



Appeal Decision

Site visit made on 22 September 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2026

Appeal Ref: APP/X1118/C/25/3364624

Land lying to the south west of Forda, Georgeham, Braunton, Devon EX33 1JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mike Stocks against an enforcement notice issued by North Devon District Council.
- The notice was issued on 26 March 2025.
- The breach of planning control as alleged in the notice is: Within the last 10 years unauthorised change of use of land to a storage use consisting of the siting of railway carriage, railway track and associated railway items in addition to other stored items including but not only a red van, scaffolding, windows and timber platform structure on agricultural land.
- The requirements of the notice are to:
 1. Cease open storage use on the land edged red;
 2. Remove railway carriage and track in the approximate location outlined in green from the land edged red;
 3. Remove all stored items on the land including but not only red van, windows, train paraphernalia, timber platform structure in the approximate area marked blue, from the land edge red;
 4. Remove from the land edged red any rubbish or debris resulting from compliance with Steps 1-3.
- The period for compliance with the requirements is: Within 6 months of 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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

1. The appeal is made on ground (a), that planning permission should be granted for the matters alleged in the enforcement notice ("the Notice"). The appellant has indicated that they would comply with the Notice other than in respect of the siting of the railway carriage and track. Thus, their submissions indicate that permission is sought for the retention of those items. As these are clearly identifiable and sizable items, that are not necessarily associated with the other items alleged to have been stored on the land, I am satisfied that they can be considered as part of the matters alleged.
2. I have, therefore, considered the appeal on the basis of whether planning permission should be granted for a storage use, consisting of the siting of a railway carriage and track. The main issue is the effect on the character and appearance of the area.

Reasons

3. The site is in a rural location. Although there is a cluster of dwellings and other buildings at Forda, the railway carriage and short length of track on which it is sited, stands slightly apart from the cluster of dwellings and in a field, elevated

above the appellant's dwelling. Beyond the cluster of buildings, the land is generally open with an undeveloped character of steep rolling hills and valleys, reflecting its location within the undeveloped coast, defined in the North Devon and Torridge Local Plan 2018 ("LP"), and the North Devon Coast National Landscape.

4. Unlike a nearby agricultural building, the railway carriage is clearly not of a character typically associated with the surrounding landscape. It has been sited towards the middle of a field, away from established boundaries. Despite its muted colouring and relatively small scale, it brings a form and appearance that is at odds with its context. That would be the case whether it maintained its current dilapidated appearance, or was renovated.
5. The steep topography limits views around the area, and thus there are few places from which it is possible to see the railway carriage. However, the aims of LP Policies ST09, ST14, DM04 and DM08A go beyond the visual effects of development, seeking to maintain local distinctiveness, the landscape character of the area and undeveloped coast. Introducing an incompatible structure into the landscape is contrary to those aims and would not conserve the natural scenic beauty of the National Landscape. It has not been shown how any additional planting or other landscaping would change that.
6. There has, historically, been a mobile home on the land and a certificate was issued confirming that it could remain lawfully for recreational (storage and music rehearsals) purposes. While the Council may have previously suggested that the mobile home could be replaced with the railway carriage, that alternative site is close to field boundaries and slightly lower in the landscape.
7. Given these features, the appellant's assertion that the current location of the railway carriage is less prominent is not obviously correct and the claim is unsupported by detailed evidence or appraisal. Even if there were a mechanism to relinquish any lawful ability to re-site a mobile home in its former location, I find that it has not been shown that less harm would arise from allowing the continued siting of the railway carriage in its current location.
8. I appreciate that the appellant may have no other land on which to site the railway carriage. However, that does not justify its location at this site, where it has no obvious need to be. LP Policy ST07 seeks to control development in the countryside to that which is enabled to meet local economic or social needs and which is necessarily restricted to a countryside location.
9. While there is a suggestion of applying to use it for tourism purposes in the future, there is no certainty of the outcome of such an application. Such a use is not part of the matters alleged, so it would be inappropriate for me to consider its acceptability now. Any such future potential, if it exists, does not justify the continued siting now, even on a temporary basis, while such proposals are developed. In any case, 6 months are available to comply with the Notice.
10. With regard to the above, I find that the proposal fails to respect local distinctiveness and the landscape character of the area. It is, therefore, contrary to those aims of LP Policies ST09, ST14, DM04, and DM08A noted above and would not further the statutory purposes of the National Landscape.
11. The reasons for issuing the Notice include reference to LP Policy DM14 which concerns small scale economic development in the rural area. However, it is

unclear how that policy would be offended, so I find it not to be determinative in this case.

12. Nevertheless, for the reasons given, the proposal conflicts with the development plan. Material considerations have not been shown to indicate that a decision should be taken otherwise than in accordance with it. Accordingly, planning permission ought not be granted for the matters alleged in the enforcement notice and the appeal on ground (a) fails.

Formal Decision

13. 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.

M Bale

INSPECTOR