



Appeal Decision

Site visit made on 5 July 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/X1118/W/22/3292088

Putsborough Road, Putsborough, Braunton EX33 1LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Milton against the decision of North Devon District Council.
 - The application Ref 73792, dated 18 August 2021, was refused by notice dated 17 December 2021.
 - The development proposed is to create an agricultural track to access barns and surrounding fields using current access points.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area, which falls within the North Devon Coast Area of Outstanding Natural Beauty (AONB); and
 - the biodiversity value of the area.

Procedural Matters

3. There is some inference in the submitted evidence that the appeal application was made under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or at least should have been accepted on this basis. As it is not within the scope of this appeal to determine whether a prior approval application should have been accepted, I have dealt with the appeal as one against a refusal of full planning permission.

Reasons

Character and appearance

4. The red line of the appeal site includes an area immediately adjacent to two hedgerows, extending south from a field gate on Putsborough Road, and broadly south-east across two adjoining fields, terminating at a gate to the south of No 4 Putsborough Close in Georgeham. The area within the blue line includes a number of other agricultural fields, some old agricultural buildings and an access point which runs between No 1 Putsborough Close and a tarmac sloping driveway to a neighbouring dwelling to the east. The fields over which the new track would traverse form a pleasant green backdrop to the rural settlement, much of which falls within the Georgeham Conservation Area (CA).

5. The proposal is to create a track of around 4 metres in width, constructed of hardcore to a depth of around 400mm and extending over a distance of around 360 metres along the routes described above, adjacent to the existing hedgerows. There are no existing tracks of this type at present, with machinery required to traverse the fields in their natural/maintained condition. The submitted evidence details the need for the track to enable access to the collection of deteriorating farm buildings to avoid damage to the fields and bring the buildings back into use for stock and storage purposes.
6. Due to the long length of deliberately engineered track with its stark and 'hard' appearance, it would jar with the natural green qualities of the landscape and would be harmful to the rural characteristics of the site and wider AONB. Whilst it is alleged that the materials of the track would be sympathetic to the rural surroundings, in my view, no surfacing treatment would assimilate as well as the natural landcover on the fields at present and no landscaping is proposed that could minimise the scarring that would occur.
7. Owing to topography and orientation, the field to the west of Putsborough Close is highly visible from the road and open space in front of the dwellings. The track would undermine the natural, rural setting of the village. The sections of track that would be below the properties on Putsborough Close would be more concealed in these views, although it is not necessary for something to be widely visible for it to be harmful.
8. In view of the above, the proposal would be harmful to the character and appearance of the area and would fail to preserve the AONB, contrary to, in particular, Policies ST14, DM04 and DM14 of the North Devon and Torridge Local Plan 2018 (Local Plan). Amongst other things, these Policies seek to ensure that development contributes positively to local distinctiveness, historic environment and sense of place and conserves the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic well-being of the area. Also, in the absence of a submitted Landscape and Visual Impact Appraisal to indicate that the proposal would not result in a landscape impact, the proposal conflicts with Policy NE1 of the Georgeham Neighbourhood Plan 2022 (NP).
9. Even though the currently-disused farm buildings lie within it, the track would be outside of the Georgeham Conservation Area (CA). As the development would not be within the CA, my duties under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 are not engaged. However, the track would be visible to an extent from within the CA, particularly, in the vicinity of the farm buildings and would be harmful to the pleasant rural setting of the vernacular, historic core of the CA. This would be contrary to the provisions of the National Planning Policy Framework (the Framework), though under the terms of the same, the harm to significance would be less than substantial. I return to this below.

Biodiversity

10. Policies ST14 and DM08 of the Local Plan seek to avoid harm and enable biodiversity net gains by designing in biodiversity features and enhancements and opportunities for geological conservation alongside new development.
11. Whilst it is alleged that the proposed route would not involve the interruption of any Devon hedgerow, existing drystone walls, trees or otherwise, the Council's

Sustainability Officer raised issues with a loss of flora at the relatively unmanaged field margins and compaction of the hedgerow.

12. Though it is suggested that there would be no biodiversity harm and that gains would result from the overgrown area surrounding the buildings becoming useable again, I have no guarantees that this would be secured through the proposal or how advantageous it would be in biodiversity terms, and thus, afford it limited weight.
13. As such, in the absence of information to the contrary, the proposal would fail to strictly accord with the requirements of Local Plan Policies ST14 and DM08 insofar as they seek to avoid harm and require biodiversity enhancements.

Other Matters

14. Though an alternative route further from properties in Putsborough Close has been offered, that is not detailed in the plans before me and nor would it be materially different in its effects on the character and appearance of the area.
15. It is alleged that there are safety risks in continuing to use the existing access lane which has a constrained width and a junction with the road opposite the school. However, I have insufficient evidence to suggest that the use of the access lane would not be safe or that any measures would prevent its use as such in any event. Similarly, there is limited evidence of damage caused by vehicles accessing through the fields as is typical of such farming practices.
16. The evidence refers to the continued use of the agricultural barns and the need for alternative uses should permission for the track be withheld. Despite the stated desire in the Georgeham Conservation Area Appraisal to ensure the retention and conservation of the buildings, given that they are technically outside of the appeal site, and the absence of a holistic scheme of this nature, I cannot be certain that the scheme is the only means of achieving the desired aim.

Planning and heritage balance

17. The proposal would be harmful to the character and appearance of the area, would fail to achieve biodiversity enhancements and would cause less than substantial harm to the significance of a designated heritage asset. The Framework sets out in Paragraph 202 that less than substantial harm to the significance of a heritage asset should be balanced against the public benefits of the scheme.
18. There would be a modest economic boost from the construction phase of the scheme and a potential increase in the agricultural productivity of the wider holding. However, these public benefits are not of sufficient materiality to outweigh the harms or indicate that the decision should be taken other than in accordance with the development plan.

Conclusion

19. For the reasons outlined above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR