



Appeal Decision

Site visit made on 25 July 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2023

Appeal Ref: APP/X1118/W/23/3315960

Higher Mullacott, Road From St Brannocks Road To Mullacott Cross Roundabout, Ilfracombe EX34 8NA

- 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 Greenwell against the decision of North Devon District Council.
 - The application Ref 74197, dated 7 October 2021, was refused by notice dated 9 November 2022.
 - The development proposed is the erection of a holiday unit, improved access and resurfacing of area to create additional parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Greenwell against North Devon District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. I observed on my site visit that development has commenced, albeit at a very early stage, with internal wall structures having been partly erected. Given the limited amount of work that has taken place, I have made my decision based on the plans before me.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether or not adequate arrangements are made for the disposal of surface water from the site.

Reasons

Character and appearance

5. The appeal site is located in a rural area that is predominantly characterised by scattered farmsteads and other relatively small-scale developments, set within attractive rolling landscape. The existing buildings on site, which comprise the main dwelling house and several units of tourist accommodation, are set out in a horseshoe arrangement around a central courtyard. The traditional appearance of the buildings strongly conforms with the surrounding rural character, with their stone or rendered exteriors, slate roofs, and relatively small wooden windows.

6. In some ways, the appearance of the proposed dwelling, which would be used as tourist accommodation, would conform with that of the other buildings on site with its rendered walls, slate roof and hardwood doors. However, it would contain a significant amount of glazing. In particular, the west elevation would have bi-fold doors to the kitchen and lounge areas at ground floor level, and very large windows that would serve the bedroom above. There would also be a patio door within the north elevation. The amount of glazing would be a significant and obvious design feature, and despite some of the more traditional aspects described above, this would ensure that the building as a whole would be perceived as a modern looking dwelling. This would be in stark contrast with the more traditional buildings on the site, which in general, have smaller windows and substantially less glazing overall. As a result, the proposed dwelling would clearly appear incongruous and out of keeping with the appearance of the existing buildings on the site, as well as the character of the wider rural landscape.
7. The plot of land on which the dwelling would be located is screened to some degree by existing mature trees and other vegetation. However, to the north and west there are extensive views across the surrounding countryside. A wooden fence has already been erected on this side of the building, and the appellant's statement suggests that some planting would also take place. However, the proposed dwelling, and in particular the heavily glazed west elevation, would still be visible for some distance, including from the public footpath that passes by Mullacott Farm and Lower Mullacott. The fact that it would be visible exacerbates the harm to the character and appearance of the surrounding landscape.
8. From the public footpath, an existing holiday park, which has numerous lodges and mobile homes, can be seen above the appeal site. These holiday units do have a modern appearance which is at odds with the predominant rural character of the area. However, the presence of the holiday park close to the appeal site is not a sufficient reason to allow further development that causes harm. The fact that the A361 is also nearby does little to detract from the character of the area given that such roads are not unusual in rural locations.
9. Both parties note that there was a previous building on the appeal site prior to the commencement of the proposed development. I have no photographic evidence before me to assess the appearance of that building. However, from the descriptions provided by both the Council and the appellant, it seems that its design was associated with the historic agricultural use of the wider site. It is therefore highly unlikely that it would have been of a modern design, and it is this element of the proposed development where I have found harm.
10. The proposed dwelling would only be a limited distance from the existing buildings on the site, and so there would be a visual connection. In addition, being a relatively modest single storey building, the scale of the development would be proportionate to the size of the existing tourism operation on the wider site. However, this does not overcome the harm to character and appearance that I have identified.
11. Both parties agree that the site is located within the Coastal and Estuarine Zone, as identified by Policy ST09 of the North Devon and Torridge Local Plan, October 2018 (LP). However, the appellant disagrees with the Council's assertion that it is situated within the 'undeveloped coast'. The wording in the

supporting text to the policy is quite precise. Given that the part of the site on which the dwelling would be located does not currently contain permanent tourism related facilities, it is correct in my view to consider that it forms part of the 'undeveloped coast'. The policy sets out that, within the undeveloped coast, development must protect the unspoilt character and appearance of the area. I have set out how the proposed development causes harm in this regard. I therefore conclude that the proposal conflicts with LP Policies ST09, as well as Policies ST14 and DM18. Taken together, the relevant aspects of these policies require new development, including tourist accommodation, to respect existing local landscape character.

12. I am satisfied that the development would comply with LP Policy ST07 which, in part, supports development in the countryside that would meet local economic needs. However, when read in conjunction with the policies above, this does not lead me to a different overall conclusion.

Surface water drainage

13. The appellant has submitted evidence which sets out the intended approach to surface water drainage. However, the Council has noted that percolation tests have not been undertaken to demonstrate that the proposed crate system would reduce existing rates of surface water runoff in a Critical Drainage Area. The appellant has stated that the percolation tests have now been undertaken, although I don't have the results before me as part of this appeal. However, there is no reason for me to conclude that an appropriate approach to surface water drainage could not be provided as part of the development. Indeed, I am satisfied that this issue could be addressed through a suitably worded condition that requires further details of the surface water drainage scheme, including the outcome of percolation tests, to be approved by the Council prior to any further development taking place.
14. As a result, the proposal is not in conflict with LP Policy ST03(b) which requires new development to reduce surface water runoff in Critical Drainage Areas.

Other Matters

15. The proposed development would provide one new dwelling for use as tourist accommodation which would result in some associated economic benefits. However, given the small scale of the proposal, these benefits are very limited and do not overcome the conflict with the development plan that I have identified. While national policy supports the redevelopment of brownfield sites, this in itself does not justify allowing a development that harms character and appearance.
16. The Council's officer report sets out that the appeal site is located within the 10km buffer zones of both the Braunton Burrows and Exmoor Heaths Special Areas of Conservation. However, as I am dismissing this appeal, I do not need to consider this matter further.

Conclusion

17. I have found that the appeal proposal would cause harm to the character and appearance of the area. This is an important matter which conflicts with policies in the development plan that are central to determining the appeal. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm in relation to surface water

drainage, and that the proposal may comply with other policies in the plan. The appeal is therefore dismissed.

C Butcher

INSPECTOR



Costs Decision

Site visit made on 25 July 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2023

Costs application in relation to Appeal Ref: APP/X1118/W/23/3315960 Higher Mullacott, Road From St Brannocks Road To Mullacott Cross Roundabout, Ilfracombe EX34 8NA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Greenwell for a full award of costs against North Devon District Council.
 - The appeal was against the refusal of planning permission for the erection of a holiday unit, improved access and resurfacing of area to create additional parking.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In this instance, the applicant has argued that the Council has prevented or delayed development which accords with the development plan. Furthermore, the applicant also suggests that, in focusing on whether the proposed building would be subservient or incidental in appearance to the existing buildings, that the wrong policy test has been applied, and that the reasons for refusal are vague.
3. However, the relevant policies in the local plan require new development to preserve the character and appearance of the surrounding landscape. The existing built form is part of that landscape, and it is therefore quite reasonable for the Council to have assessed the way in which the proposed building would relate to existing development in order to determine whether harm would be caused to landscape character. Indeed, I have set out why harm would be caused in this regard. The Council has therefore correctly assessed the proposal against the relevant policies and provided clear reasons for refusal. Furthermore, the Council produced a report and statement of case which, whilst not fulsome, do nevertheless make clear the reasoning behind the Council's assessment of the visual effect of the proposal. As a result, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR