



Appeal Decision

Site visit made on 13 December 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2023

Appeal Ref: APP/X1118/W/23/3323510

Ashpark Farm, Hacche Lane, Nadrid Cross, South Molton EX36 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Christopher Thomas against the decision of North Devon District Council.
 - The application Ref 75710, dated 27 July 2022, was approved on 7 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is Conversion of agricultural barn to holiday let.
 - The condition in dispute is No 6 which states that: The use hereby permitted shall not be commenced until the existing access to the south west (which is within the applicant's ownership) is effectively and permanently closed.
 - The reason given for the condition is: In the interests of road safety and LP Policy DM05.
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Decision

1. The appeal is allowed and the planning permission Ref 75710 for Conversion of agricultural barn to holiday let at Ashpark Farm, Hacche Lane, Nadrid Cross, South Molton EX36 3EJ, granted on 7 December 2022 by North Devon District Council, is varied by deleting condition 6.

Main Issue

2. The main issue is whether condition 6 is necessary, with particular regard to highway safety.

Reasons

3. The appeal site forms part of a farmstead which includes various buildings and land. There is a direct access point between the farmstead and the busy A399. However, given the type of track leading from it, and that the track tapers out into a narrow path and grass, it provides agricultural access only. Access to Ashpark Farm is therefore via the track which connects the parking and turning area (shown on the submitted site location plan) to the minor public road, which then leads to the A399 at Nadrid Cross. This is the route broadly delineated on the site location plan, which the Council has confirmed is correct despite the northern section appearing to be slightly condensed (drawn, according to the Council, in this way to meet its validation requirements). It was clear to me on my site visit that this provides the main access to Ashpark Farm and is the only route into the holding suitable for domestic vehicles.
4. The submitted evidence indicates that the intention is for the holiday let to be accessed via the appellant's northern access to Ashpark Farm. On this basis, occupiers of the holiday let would take the minor roads leading from Nadrid Cross before leaving the public highway via the farm's northern access point

- and heading south on the existing track to the parking and turning area. Occupiers would then proceed on foot to the holiday let.
5. Although there is some confusion about how many access points exist between the holding and A399, it was clear on my site visit that there is only one, located to the south-west. Whilst not shown on the site location plan, it could in theory provide alternative access to the holiday let. If this were the case, the development permitted would lead to an increase in the use of the access and this could pose a risk to highway safety if visibility of the A399 is, as alleged by the Local Highway Authority, insufficient.
 6. However, irrespective of visibility levels at this access point, the track leading from it neither runs all the way to the holiday let nor includes any parking and turning space. As set out above, it is also only suitable for agricultural use and does not provide residential vehicular access. The only feasible access to the holiday let would therefore be via the northern access route which is already used for residential accommodation and which the Council and Local Highway Authority have not raised concerns with.
 7. The development would therefore not increase the number of vehicles using the farm's A399 access. As such, there would be no increased risk to highway safety directly related to the development that would require mitigating. Accordingly, I conclude that the development without the condition would not adversely affect highway safety and would comply with the requirements of Policy DM05 of the North Devon and Torridge Local Plan 2011-2031 for development to ensure safe access and egress. It would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to providing safe and suitable access.
 8. In addition, the size and position of buildings and structures at Ashpark Farm means that the A399 access, which the available evidence indicates has existed for some time, provides the only means of access for tractors and other large agricultural vehicles to the lower fields in the southern part of the holding. On this basis, the requirement to close the A399 access is also not reasonable. Considering the details in the Framework and Planning Practice Guidance on the use of planning conditions, I therefore find that the condition is neither necessary to make the development acceptable nor reasonable. In coming to this view, I have taken into account the topography and size of the relevant land parcel and that the site location plan does not clearly show all the farm's access points to the public highway or the appellant's entire land holding.
 9. For the above reasons, the appeal is allowed, with the planning permission varied by deleting the disputed condition.

Other matters

10. The Council considered that the potential impacts of the original development proposed on the nearby grade II listed buildings would be minimal. I am satisfied that the subject of this appeal would not change this. Allowing the appeal would therefore not harm designated heritage assets.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR