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# Appeal Decision

Site visit made on 19 December 2023

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 January 2024**

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**Appeal Ref: APP/X1118/W/23/3318926**

**Land adjacent to Langsfield, Croyde, Braunton EX33 1QD**

- 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 Pearce Homes against the decision of North Devon District Council.
  - The application Ref 74488, dated 3 December 2021, was refused by notice dated 21 December 2022.
  - The development proposed is the erection of 5 residential dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. From 22 November 2023, Areas of Outstanding Natural Beauty are now to be referred to as National Landscapes. My decision therefore reflects that change.
3. One of the Council's reasons for refusal relates to biodiversity. However, the appellant has submitted a Biodiversity Net Gain Assessment as part of their appeal statement. The Council is satisfied that this addresses their concerns, subject to the imposition of a suitable condition. I have no reason to disagree and given that it is no longer an issue in dispute between the parties, I have not considered this matter any further.

## Main Issues

4. The main issues are derived from the Council's officer report and decision notice: (i) whether the proposed development would be in a suitable location, taking account of the Council's adopted spatial strategy; (ii) the effect of the proposed development on the character and appearance of the area; (iii) the effect of the proposed development on pedestrian safety; and (iv) whether the proposed drainage strategy is appropriate.

## Reasons

### *Suitable Location*

5. The appeal site is located just outside of the settlement boundary of Croyde. While Policy GEO of the North Devon and Torridge Local Plan, October 2018 (LP) does identify the village as a location for limited growth, Policy ST07 sets out that any development should take place within the identified boundary. Beyond village settlement boundaries, the policy seeks to permit development where it would meet local economic and social needs, would re-use an existing rural building, or would be a use that is restricted to countryside locations. The

proposed development of five open market homes in this location would therefore not accord with this policy.

6. The village itself has very limited facilities, although services in the nearby settlements of Braunton and Georgeham can be easily reached via sustainable modes of transport. However, despite this, the conflict with the Council's adopted spatial strategy is clear, and I therefore conclude that the proposed development would not be in a suitable location given that it would conflict with LP Policy ST07.

#### *Character and Appearance*

7. The appeal site is situated within the North Devon National Landscape, the Heritage Coast and the Coast and Estuary Zone. Paragraph 182 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within National Landscapes, while paragraph 184 sets out that within Heritage Coasts, planning decisions should be consistent with the special character of the area.
8. In this instance, the site forms part of an open field which is flanked on both sides by existing residential development. At present, the undeveloped nature of the site helps to ensure that the immediate area retains a relatively spacious and verdant character. In addition, given that the site is very close to the edge of the settlement, it helps to provide an important sense of transition between the village and the countryside beyond. As such, it contributes positively to the scenic beauty of this part of the National Landscape and the character of the Heritage Coast and Coast and Estuary Zone.
9. I observed on my visit that the site is clearly visible from a variety of longer-range public vantage points. These are documented within the consultation response submitted by the North Devon Coast AONB Partnership. When seen from these locations, the appeal site helps to soften the visual impact of the urban form by enabling the edge of the settlement to merge into the surrounding landscape. The presence of an existing dwelling immediately to the south of the field does not alter that perception.
10. In support of their case, the appellant has produced a Landscape and Visual Impact Assessment by Redbay Design, October 2021 (LVIA). The document concludes that the development would result in a 'moderate adverse' effect on site character, although this would be balanced against the 'moderate beneficial' impact of the proposed landscaping scheme. In terms of wider landscape character, the LVIA states that the effect of the proposal would be 'slight adverse', while the effect on visual amenity is categorised as neutral to slight-moderate, depending on where the site is viewed from.
11. I recognise that only part of the existing field would be developed, and that the proposed dwellings would not extend the urban form beyond the line of existing development on Langsfield. The LVIA does conclude that the scheme would result in some harm. However, in my view, the level of harm would be more substantial. Indeed, the proposal would result in a greater feeling of urbanisation on the western edge of Croyde, partially removing an important landscape gap, while eroding the sense of transition between the village and the surrounding countryside. As a result, the proposal would cause significant harm to the existing spacious and verdant character of the immediate area, and by extension, would also harm the landscape and scenic beauty of the

National Landscape and the character of the Heritage Coast and Coast and Estuary Zone.

12. Importantly, this harm would be experienced both from close range, and also as part of longer-range views. The proposed planting and landscaping scheme would only mitigate this harm to a very limited degree given that it is highly likely that the dwellings would still be visible from various vantage points.
13. The proposed dwellings would be of a modern design with flat roofs, situated around a private driveway. However, the design of existing dwellings in the area is not consistent and so there is no prevailing character as such. Indeed, there are examples of buildings that are of a more modern design close to the appeal site, including flat roofs. There are also dwellings nearby that form cul-de-sac style developments. The appearance and layout of the proposed scheme would therefore not be seen to be incongruous with the surroundings when considered in isolation. However, this does not overcome the harm that I have identified.
14. The appellant has noted that two developments have taken place further along Croyde Road and Hobb's Hill. However, both sites are closer to the centre of the village, and so do not form part of the 'area of transition' in the same way that the appeal site does. As such, I do not consider that they are directly comparable. Moreover, the development of those sites does not justify the approval of the appeal scheme which would result in further harm. The appellant has also noted that the appeal site was considered as part of the Council's Strategic Housing Land Availability Assessment. However, this document has no formal status, and as such, carries very little weight in my consideration of the case.
15. I therefore conclude that the proposed development would conflict with Policy NE1 of the Georgeham Parish Neighbourhood Plan, January 2022 (NP), as well as LP Policies GEO, ST09, ST14 and DM08. Taken together, the relevant aspects of these policies seek to preserve landscape character, including locally and nationally important landscapes.
16. I do not find conflict with the relevant parts of LP Policies ST04 and DM04 which require new developments to be well designed.

### *Pedestrian Safety*

17. The proposed site plan includes provision of a footpath on the eastern side of the access road, which would then extend a short distance along Croyde Road to an existing crossing point.
18. The Council's highways officer has suggested that a footpath should also be provided to the west of the access road. However, it is not clear to me why such a footpath would be required. Indeed, the number of pedestrian journeys arising from the scheme would be limited and would most likely be focused on travelling east towards the village centre. Should pedestrians wish to travel west to the beach, then this could be easily achieved by utilising the existing crossing point on the eastern edge of the appeal site.
19. Without the provision of a western footpath, there would be no reduction in width to the existing carriageway on Croyde Road, or any need for an additional crossing.

20. As such, I conclude that the site would not cause harm in relation to pedestrian safety. There would therefore be no conflict with the relevant aspects of LP Policies ST10 and DM05 which seek to ensure safety for all highway users, including pedestrians.

### *Drainage*

21. The Council has set out that the appellant has not provided sufficient information related to the proposed strategy for drainage. However, I am satisfied that this issue could be successfully addressed through the imposition of a suitably worded condition that would require the submission and approval of a drainage strategy. The Council appears to agree with this approach.
22. I therefore conclude that the proposal would not cause harm in relation to drainage. As such, there would be no conflict with LP Policies ST03 and DM04, the relevant aspects of which seek to reduce flood risk and ensure appropriate drainage within new developments.

### **Other Matters**

23. The Council's statement sets out that the land supply position has changed since the application was determined, and a five year supply of sites can now be demonstrated. This position has been confirmed by an Inspector as part of their decision on a separate appeal<sup>1</sup>. I see no reason to depart from this position, and as such I have made my decision on the basis that paragraph 11d of the Framework is not engaged.
24. However, for the avoidance of any doubt, the issue of whether or not the Council can demonstrate a sufficient supply of sites is not a determinative feature of this appeal. If there was an absence of a five year supply, the policies relating to the location and supply of housing, such as LP Policy ST07, would be deemed to be out of date. However, the site is located within a National Landscape and a Heritage Coast, both of which are listed within footnote 7 of the Framework. Given that I have found harm in relation to these important designations, paragraph 11d(i) of the Framework provides a clear reason for dismissing the appeal. The outcome of the appeal is therefore unaffected by this issue.
25. The appellant has submitted a unilateral undertaking (UU). This would secure the proposed dwellings as principal residences, while also providing financial contributions towards public open space, education and a bus shelter. The Council has noted that they consider the UU to be sufficient. Therefore, while acknowledging the appellant's concerns about the bus shelter contribution, this is not a matter that I need to consider any further as I am dismissing the appeal.

### **Conclusion**

26. I have found that the appeal proposal is not in a suitable location and would cause harm in relation to character and appearance. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have not found harm in relation to other matters. The provision of five dwellings would contribute to local housing supply, and could provide some economic benefits for the local area. The proposal would also

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<sup>1</sup> Appeal reference: 3318751

result in increased biodiversity and provide financial contributions towards local services and facilities. However, the small-scale nature of the scheme means that any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

*C Butcher*

INSPECTOR