



# Appeal Decision

Site visit made on 3 September 2024

**by Juliet Rogers BA (Hons) MA MRTPI**

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

**Decision date: 30 September 2024**

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**Appeal Ref: APP/X1118/W/24/3341331**

**Wedgehill, Ash Road, Braunton, Devon EX33 2EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ray Hanson against the decision of North Devon District Council (the Council).
  - The application Ref is 77480.
  - The development proposed is the erection of a detached dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)<sup>1</sup> came into effect. During the appeal, the main parties have had the opportunity to provide comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area; and
  - biodiversity.

## Reasons

### *Character and appearance*

4. The appeal site comprises part of the garden area associated with the property known as Wedgehill (the host property), a large, detached dwelling located within a generous plot. Alike most of the dwellings off Ash Road, the host property slopes steeply down towards Boode Road resulting in the built form being sited away from and at a lower level than the highway. Additionally, the topography influences the arrangement of the dwellings in the area, many with a stepped configuration of built form. Dense hedgerows line the highways, predominantly screening the existing built form from view.
5. Ash Road is narrow and has a track-like appearance which, combined with the tall verdant boundaries, creates a feeling of enclosure to the highway.

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<sup>1</sup> December 2023

However, due to the tranquillity of the area and the lack of visible built form, this sense of enclosure is unoppressive and has a connection to the countryside.

6. The existing dwellings off Ash Road are, however, visible through the breaks in the boundary treatments created by access driveways. In contrast to the enclosed road, the generous plots and the resultant space around the built form provide spacious, wide vistas towards the rolling hills beyond Braunton. Few other buildings are visible in these vistas, reinforcing the influence of the open countryside on the area. The proposed dwelling and its gardens would introduce built form to the area behind the host property, intruding upon the existing vista experienced from Ash Road. This would be detrimental to the character of the area.
7. The lowest part of the site is located alongside Boode Road and is defined by a dense and tall hedgerow along a narrow verge. Aside from the rear boundary of the adjacent property known as Conifers, comprising a row of conifer trees and a close board fence, the hedgerow is a continuous verdant feature lining the road from its junction with North Down Road.
8. On the other side of the road, fences and walls define the rear boundaries of the more densely and formally arranged properties along Hazel Avenue/Berry Road. As such, Boode Road forms the dividing line between two areas of differing patterns of development. Despite this, the character of Boode Road is also strongly influenced by the undeveloped countryside given the roadside hedgerow, narrow and lightly engineered carriageway, and views to the rolling hills beyond Hazel Avenue.
9. The proposed development would be accessed off Boode Road, requiring the removal of part of the hedgerow. Although other driveways create breaks in the hedgerow, these serve properties that have limited intervisibility with the road given their siting back from their front boundaries and the curved design of the driveways. In contrast, the proposed dwelling would be sited closer to the roadside hedgerow with a significant proportion of the building façade visible from the public highway.
10. Combined with the bulk and height of the three-storey form and its first-floor patio terrace with glazed balustrade, the proposed dwelling would intrude upon the undeveloped character of this side of the road. Further, the host property would be visible in the rear which, given its elevated position, would extenuate the presence of development in this location and encroach upon the countryside-influenced character of the area.
11. Whilst the proposed dwelling would comprise a similar size and footprint to the existing properties off Ash Road, its plot area would be significantly smaller than those nearby. It would also lead to a reduced plot size for the host dwelling, thereby creating building-to-plot ratios for both properties unrepresentative of the area between Ash Road and Boode Road.
12. Irrespective of the use of local vernacular features or materials, the proposed development would be a bulky and intrusive form that dilutes the undeveloped countryside characteristics prevalent in the area.
13. I conclude that the proposed development would harm the character and appearance of the area, contrary to policies ST04 and DM04 of the North

Devon and Torridge Local Plan 2011-2031 (the Local Plan) and policies H6, H9 and BE1 of the Braunton Neighbourhood Plan (BNP). Taken together, these policies support proposals within development boundaries provided they respond to the characteristics of the site, wider context and surrounding area, and incorporate the principles of high-quality design, amongst other aspects.

*Biodiversity net gain*

14. The proposed development would result in the loss of part of the species-rich hedgerow along the boundary with Boode Road to facilitate access to the site. To compensate for this loss, the Mitigation and Enhancement Plan<sup>2</sup> included in the EcIA<sup>3</sup> proposes the planting of a species-rich hedgerow close to the site boundary with Wedgehill. When fully grown, the planting would be more than double the length of the hedgerow to be removed. Although a large proportion of the existing lawn on the site would be lost to the proposed development, this comprises modified grassland which the EcIA indicates has negligible ecological value. I have no substantive evidence before me to dispute the findings of the EcIA.
15. The EcIA recommends measures to avoid impacts to protected or notable species and, in addition to the hedge planting, further enhancements comprising the installation of bird boxes on the proposed dwelling are specified. If I were minded to allow the appeal, a suitably worded condition could be imposed to ensure these measures and enhancements are implemented.
16. Policy NE3 of the BNP states that proposals should provide a BNG of at least 10% from the pre-development baseline on the site. However, there are no specific details within this policy or its supporting text setting out how this calculation should be undertaken. In the absence of a clear method of assessment and given the recommendations in the EcIA, sufficient detail has been provided to demonstrate that a BNG of at least 10% could be achieved on the site, subject to the aforementioned condition.
17. While the Council refer to the use of a small sites metric within its statement of case, this is not a requirement of Policy NE3 of the BNP. At the time the planning application was submitted, the mandatory delivery of a BNG of 10% for non-major development had not commenced. Moreover, Natural England's Small Sites Metric (Statutory Biodiversity Metric) or the now superseded Biodiversity Metric 4.0, was not published until after the application was determined. Therefore, it would not have been possible for the appellant to provide this calculation. Regardless of this, the appellant asserts that, as the proposed development comprises a self-build dwelling<sup>4</sup>, a form of development which is exempt from the statutory BNG requirements.
18. I conclude that the proposed development would not harm biodiversity and, subject to a condition, would achieve a BNG of at least 10%. As such, it would comply with Policy NE3 of the BNP in this respect.

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<sup>2</sup> Drawing No: 1992-EcIA-F1

<sup>3</sup> Ecological Impact Assessment (EcIA), Ref: 1992-EcIA-MU prepared by GE Consulting, dated July 2023

<sup>4</sup> As defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)

## **Other Matters**

19. The proposed development would provide social and economic benefits from the construction and occupation of a new dwelling, supporting the Framework's objective of significantly boosting the supply of housing. However, given the small scale of the development, any such benefits would be limited, as would the environmental benefits from the BNG the proposed development would provide. I attach limited weight to these benefits as a result.
20. During the appeal, a signed planning obligation under Section 106 of the Act was submitted, dated 2 September 2024 in response to one of the reasons for refusal on the decision notice. The agreement restricts the occupation of the proposed dwelling to the Principal Residence for the appellant, a family member or a tenant with a minimum lease duration of twelve (12) months. It specifically precludes the proposed dwelling from being occupied as a holiday let, a requirement of Policy H1 of the BNP. However, whilst this may resolve the Council's concerns on this issue, as I am dismissing the appeal on the main issue above, I don't need to consider it in any further detail.
21. The appeal site is located within the zone of influence of the Braunton Burrows Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SAC, in accordance with the Habitat Regulations. However, given that I have found that the proposed development would harm the character and appearance of the area, further consideration of this matter is unnecessary as it would not alter my decision.

## **Conclusion**

22. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR