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## Appeal Decision

Site visit made on 21 January 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

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**Appeal Ref: APP/X1118/W/24/3343420**

**Land to the East of Barton Lane, Berrynarbor, Ilfracombe Devon**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Richards of Napps Holidays against the decision of North Devon District Council.
  - The application Ref is 77719.
  - The development proposed is described as “erection of one dwelling and associated infrastructure, with details of access included for approval but all other matters reserved for future determination”.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal is made in outline with all matters other than access reserved for later consideration. Therefore, I have assessed the appeal on this basis.
3. Following the Council’s notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having regard to the matters that are most relevant to this appeal, the main parties have been given an opportunity to comment. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

### Main Issue

4. The main issue is whether the site is a suitable location for the proposed development, having regard to the development plan and national planning policy.

### Reasons

5. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) sets out the Council’s development strategy for the rural area, which focuses on local centres, followed by the villages. The supporting text says, amongst other things, that while appropriately located growth will be supported, the Local Plan will also seek to ensure development does not exacerbate the area’s dispersed settlement pattern. In villages such as Berrynarbor, where there is no defined settlement boundary, development is supported where it would be within its principal built form, meeting local needs and growth aspirations.
6. In that context, LP Policy BER sets out the spatial strategy for Berrynarbor. Amongst other things, it seeks to provide a minimum of 12 dwellings to meet the range of needs in the community. Where development is well related to the main form of a settlement, LP Policy DM23 is supportive of affordable housing. The

proposal is not for affordable housing. The main area of dispute relates to whether or not the appeal site is within Berrynarbor's principal built form.

7. The appeal site is undeveloped and is largely surrounded by well-established trees and vegetation. It forms part of a wider area of land that includes a cluster of properties. However, these properties are mostly sited a fair distance to the north, fronting Barton Hill that is further away still. Notwithstanding the presence of the nearby flat roof property, the appeal site maintains a rural feel.
8. Substantially screened by trees from a busy trunk road to its immediate south, the appeal site is close to a footpath. This connects to bus stops providing services to Ilfracombe, Combe Martin and beyond. On the other side of this road with its pedestrian refuge island, there is a linear pattern of housing with some generous field gaps near the road junction. Where there are houses, these front the narrow, unpaved Barton Lane. While said to be within recognised walking distance of the appeal site, this lengthy road winds downhill, steeply in places, to the core of the village of Berrynarbor with its small number of services and facilities.
9. In that context, reaching the village from the appeal site would not be an inviting route to traverse on a regular basis by foot or bicycle, particularly during inclement weather conditions. It would be unlikely to be suitable or an attractive option for all road users. Occupants of the proposed development, particularly the elderly and families with children, would be heavily reliant upon the private car for access to basic services and facilities such as the primary school, shop, or post office at Berrynarbor. As such, sustainable transport modes prioritised in the Framework would not be achieved.
10. It is understood that the full extent of Barton Lane, where the appeal site would be accessed, historically linked to Barton Hill and the village prior to the introduction of the A399. However, this major road is located some considerable distance from the village centre. Moreover, the road's large scale and busy usage has effectively created a definitive barrier marking the tail end of increasingly dispersed linear development extending out from the village centre. In that respect, it is of particular note that the generous greenfield punctuations along Barton Lane are more pronounced the further away one travels from the village core.
11. Accordingly, my overall assessment is that although close to a low-density cluster of built form, the appeal site is physically, functionally, and visually separated from Berrynarbor. Consequently, having paid regard to the village descriptions set out in the LP and the Council's Affordable Housing Supplementary Planning Document, it more closely reflects greenfield land on the edge of the settlement. For the reasons given, the proposal would exacerbate a dispersed settlement pattern and would not represent a beneficial form of development as set out in LP Policy BER. Located outside the principal built form of the village, it would therefore fail to meet local needs and growth aspirations required by LP Policy ST07.
12. For the reasons given, the appeal site is not a suitable location for the proposed development, having regard to the development plan and national planning policy. Consequently, there would be conflict with LP Policy ST07.

### **Other Matters**

13. My attention has been drawn to an appeal decision at this site dating back to 1997. The decision was made at a time when a different development plan was in place.

There is no dispute between the main parties that given the length of time that has passed, where there have been changes to local and national planning policy, it would be reasonable to provide a new analysis of the site. I find no reason to disagree. In that context, the appeal site is within a National Landscape where great weight is given to its preservation and enhancement. While the scheme would introduce a dwelling into greenfield land, there are other buildings in the vicinity. It is also of note that the appeal site is substantially enclosed by tall trees. Collectively, these features would mean that it is conceivable a detailed scheme could be progressed where effects on the wider landscape could be acceptable.

14. The appellant provides information relating to other nearby permissions where it is contended that the appeal site is enclosed by development, and that the Council has accepted residential development in the immediate surrounding area. The evidence shows that LPA ref:73389 was granted permission at a time when the Council could not demonstrate a sufficient supply of housing. Be that as it may, I have been provided with limited information relating to the site-specific circumstances that led to that approval and am not bound by the decision of the Council. In any case, the plans provided with LPA ref:73389 indicate that permission replaced a workshop, which is materially different to this greenfield scheme. For these reasons, it is not comparable and can only be afforded very limited weight. Furthermore, I have determined this appeal on its merits.
15. The evidence shows that approved scheme under Ref: 71246 involved the conversion of outbuildings to form a dwelling. This is a materially different set of circumstances when compared with the appeal proposal and can be afforded very little weight as a consequence.
16. The appellant has referred to a lack of conflict with a number of other policies in the LP relating to highway safety, access, the coast and estuary, drainage, which has not been disputed by the Council. While acknowledged, this is a neutral factor that does not outweigh the harm I have identified in respect of the main issue.
17. The support of the Parish Council is noted, though this is not a reason in itself to allow unacceptable development.

### **Planning Balance**

18. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, where there is a current supply of 4.86 years, or 97% of the requirement. Paragraph 11 (d) of the Framework indicates that where the required supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. This presumption would not apply where policies in the Framework that protect areas such as National Landscapes provide a strong reason for refusing the development proposed. I have however already concluded above that the scheme could be advanced with sensitivity to the landscape. Therefore, there would be no strong reason for refusing the development in respect of protected areas.
20. However, it is important that development happens in the right places and the Framework explains in paragraph 11 d) ii. that particular regard is paid to key policies for directing development to sustainable locations. Once such provision identified in footnote 9 is set out in paragraph 115.

21. The proposal is not isolated as defined in paragraph 84 of the Framework. Nevertheless, I have already concluded above that occupants would be reliant on the private car to access Berrynarbor. Furthermore, at my visit, I took the opportunity to walk towards the other near settlement of Coombe Martin. While there were some sections of pavement, the road was steep. Persistent, fast-moving traffic passed uncomfortably close by, and I did not see any street lights. This route would be difficult and unappealing for pedestrians or cyclists. The connecting footpath included steep steps and uneven terrain that would not be suitable for all. Walking and cycling towards Coombe Martin would not be a realistic option for many.
22. The bus connections to settlements other than Berrynarbor would provide an alternative transport mode to the car, though these are mostly an hourly service. This weighs moderately in favour of the proposal's location. However, as explained, the development would not give priority first to pedestrian and cycle movements or prioritise sustainable transport modes. There would be conflict with paragraphs 115 and 117 of the Framework. The Council's spatial strategy aims to avoid a dispersed settlement pattern, minimising conflicts with the principles of sustainable development. Therefore, it is accordance with the policies of the Framework. As such, the conflict with LP Policy ST07 carries significant weight in this appeal.
23. The social benefits of housing delivery carry significant weight, although these are tempered by the fact that a single dwelling would make a very modest contribution to addressing the slight housing shortfall. In that context, the provision of a smaller dwelling is noted. The scheme would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. It is conceivable that biodiversity enhancements could be achieved as part of a reserved matters application, though the introduction of a dwelling into undeveloped land would mean environmental benefits would be neutral.
24. Against these benefits I need to balance the adverse impacts. The need to deliver sustainable patterns of growth is an important consideration and one which is embedded in the Framework. The harm arising from the relatively poor access to services and facilities by sustainable transport modes would run contrary to the social and environmental objectives of sustainable development. This adverse impact would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.

## **Conclusion**

25. The proposal would conflict with the development plan as a whole and even when considered cumulatively, there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

*J Hills*

INSPECTOR

