



Appeal Decision

Site visit made on 25 July 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/W1145/W/23/3315655

Hartland Forest Golf Club, Woolsery, Bideford, Devon EX39 5RA

- 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 Mr Alan Cartwright of Atrium Leisure Ltd against the decision of Torridge District Council.
 - The application Ref 1/0269/2022/FUL, dated 10 March 2022, was refused by notice dated 28 November 2022.
 - The development proposed is minor enlargement of parking bays and car parks, repair and replacement of existing deer fences, and creation of low walls to create raised beds (affecting a public right of way).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the Council's decision notice and the appeal form as the application form is left blank. It is not disputed that the nature of the development was amended during the course of the application and furthermore, the Council says that the revised description was agreed on the 6th of June 2022. I consider the description accurately describes the development and have determined the appeal on this basis.
3. I have taken the address from the Council's decision notice and appeal form as these include reference to 'Hartland Forest Golf Club' which is absent from the application form.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, having regard to the quality of the area's tourism offer.

Reasons

5. The appeal site comprises a rural holiday lodge park that is characterised by its low density, open and verdant layout. Lodges are set amongst lawns, trees, wild flower/grass areas, and other vegetation. They are accessed via the open grassed areas and narrow footpaths beyond dedicated hard surfaced parking spaces. The above mentioned natural landscape features make a positive contribution towards the quality of the natural environment and a sense of tranquillity within this countryside setting. I note that an Article 4 Direction is in force which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and this reflects

- the sensitivity of the site to such features. Although there is a public right of way within the appeal site, there is no substantive evidence to demonstrate that the development would have any significantly harmful effect on its use.
6. I acknowledge the appellant's concerns relating to vehicle size/type and the erosion of lawns around the edges of parking bays, though any possible trip hazards associated with the charging of electric vehicles could continue even if I were minded to allow the appeal. It is also noted that the planting of shrubs and bushes could be carried out regardless of the outcome of this appeal. Additionally, the proposed replacement fencing and enhancements to turning arcs and parking provision would represent very minor overall alterations to the existing layout. Consequently, these elements of the appeal scheme would be sympathetic in scale and character and the proposed parking enhancements would facilitate ease of movement throughout the site.
 7. However, although the proposed raised beds may reduce health and safety and cost concerns relating to the lawn mowing of some of the steeper banks and could deter parking on the grassed areas, their cumulative presence and considerable lengths would encompass vast swathes of the appeal site. The appellant submits that additional soil/planting or other means of enclosure would not be suitable due to shallow infrastructure including cables, sewers, and pipes. However, there is no substantive evidence that demonstrates that the proposed raised beds would be the only method to deter parking outside designated areas. Furthermore, at my visit I observed that some of the unmown steeper banks contained wildflowers and grass that did not appear untidy or out of place, thus preserving the quality of the site. These areas could provide suitable habitats for insects, much like the proposed raised flower beds.
 8. The relatively low height of the walls at between 300mm and 600mm in height and proposals for planting to boost biodiversity would not adequately offset the considerable amount of hard landscaped built form into an otherwise open and soft landscaped site. The dwarf walls around the raised beds would have an incongruous enclosing effect on the setting of many of the lodges that would not add to the overall quality of the area as promoted by paragraph 130 of the National Planning Policy Framework (the Framework).
 9. Furthermore, even if more sympathetic materials than the proposed textured artificial stone were to be used in the construction of the dwarf walls, or alternative details secured by an appropriately worded condition, the cumulative effect of these walls and the raised ground would create an imbalance of built form that would clutter and fundamentally damage the natural landscape. As such, the development would not respect the character of the countryside or lead to high quality tourist development as promoted within Policy ST13 of the North Devon and Torridge Local Plan 2011-2031 (LP) or paragraph 84 of the Framework.
 10. Drawing these matters together, although the development would not generate unacceptable harm in terms of the proposed fencing and car parking, this would not outweigh the harm I have identified in relation to the proposed walls and raised beds.
 11. For the above reasons, the development would harm the character and appearance of the area, having regard to the quality of the area's tourism offer. As such, it would be contrary to policies DM04, ST04 and ST13 of the LP,

which, together in this respect, seek to ensure developments are appropriate and sympathetic to setting in terms of scale, layout appearance, materials and relationships to buildings and landscape features. There would also be conflict with paragraphs 84 and 130 of the Framework.

Other Matters

12. The appellant cites benefits associated with potential cost savings, which may positively contribute towards the viability of the golf course and be of some benefit to the wider tourist facility. However, without any evidence to substantiate this I am unable to attach weight to such benefits, which in any event, would not outweigh the harm I have identified above in respect of the character and appearance of the area.
13. I have had regard to third party representations including those from the Hartland Forest Lodge Owners' Association who raise concerns relating to drainage and fire safety. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further. Additionally, personal comments or matters of foul play raised between the parties are not determinative factors in my assessment of this appeal.
14. My attention has been drawn to a nearby holiday lodge constructed from artificial and timber. Whilst there may be similarities in terms of materials used, I am not aware of the site specific circumstances surrounding that development. Furthermore, the scale and nature of that development is different to this appeal. I have therefore given this very little weight in my determination.

Conclusion

15. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR