



Appeal Decision

Site visit made on 3 January 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/W1145/W/23/3325379

Land at Knotty Corner, Ford, Alwington, Bideford, Devon, EX39 5BT

- 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 Mrs Sally Saltmarsh against the decision of Torridge District Council.
 - The application Ref 1/0141/2023/FUL, dated 9 February 2023, was refused by notice dated 22 June 2023.
 - The development proposed is described on the application form as, "Proposed storage building".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment. I have had regard to the December 2023 version of the Framework in my decision.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having particular regard to the site's location within the open countryside and the undeveloped coast.

Reasons

4. The appeal site comprises a parcel of agricultural land, located to the south of the A39. The site benefits from an access onto a cul-de-sac. I observed that much of the site is enclosed by trees and vegetation.
5. In planning policy terms, the site is located in the open countryside. In these areas, part (4) of Policy ST07 of the Local Plan¹ is relevant, which provides that, in the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.
6. The appellant has referred to the benefits of the proposed erection of a storage building, including not needing to transport their boat to and from Plymouth when visiting north Devon. Hence, in planning terms the advantages of having

¹ North Devon and Torridge Local Plan 2011-2031 (adopted 2018)

a storage building in this location would appear to be related to cutting journey times and enabling the appellant to undertake more frequent visits to the area. However, it has not been demonstrated that these benefits would provide a meaningful contribution towards local economic and social needs in the terms of Policy ST07.

7. Moreover, few details have been provided to substantiate the assertion that suitable existing storage solutions are not available. Considering the small size of the boat proposed to be stored, it is unlikely that an existing storage solution would not be available elsewhere. Thus, it has not been demonstrated that the proposed development is necessary in this countryside location. The requirements of part (4) of Policy ST07 have therefore not been fulfilled.
8. The Council have focussed on part (7) of Policy ST09 of the Local Plan which provides that, amongst other things, development within the Undeveloped Coast and estuary will be supported where it is required because it cannot reasonably be located outside the Undeveloped Coast and estuary. As it has not been demonstrated that existing storage solutions for the small boat are not available, it has not been shown that the proposed storage building is required in the undeveloped coast, in conflict with part (7) of Policy ST09.
9. The undeveloped coast is a finite resource, and as the proposed development would reduce the amount of this resource whilst likely only providing minimal benefits to the local community, the proposed development would not contribute towards recognising the importance of the undeveloped coast, in conflict with part (h) of Policy ST14 of the Local Plan.
10. A planning condition has been suggested, requiring that the proposed storage building shall be used solely for the storage of a boat and for no other purpose. Such a condition would merely ensure that the proposed storage building would be used as intended. It would not alter the policy conflicts identified above. This matter does not change my findings.
11. I therefore find that the appeal site would not be a suitable location for the proposed development, having particular regard to the site's location within the open countryside and the undeveloped coast. It would conflict with part (4) of Policy ST07 of the Local Plan, and part (7) of Policy ST09 of the Local Plan, the relevant requirements of which have been summarised above.
12. The proposed development would conflict with part (h) of Policy ST14 of the Local Plan, which provides that, amongst other things, the quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to recognising the importance of the undeveloped coastal, estuarine and marine environments through supporting designations, plans and policies that aim to protect and enhance northern Devon's coastline.
13. The proposed development would also conflict with chapter 15 of the Framework which seeks to, amongst other things, conserve and enhance the natural environment.

Other Matters

14. The site is situated within an Area of Outstanding Natural Beauty (AONB)². It is not within the scope of this appeal decision to question the extent of this designation.

Planning Balance

15. The Council did not refuse the application on matters relating to the character and appearance of the area, the landscape and scenic beauty of the AONB, the living conditions of nearby occupiers, parking, access, highway safety, flood risk, drainage, or biodiversity. However, even if I were to likewise reason that the proposed development would be in compliance with the development plan and the Framework in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposed development.
16. The proposed development would provide benefits, including reducing journey times for the appellant, and enabling the appellant to use the land within their ownership for storage purposes for a boat which would then be near to the coast and near to slipways and moorings. As these would be mainly private benefits, they have been given little weight in support of the proposed development.
17. As a matter of planning judgement I find that the matters advanced in support of the proposed development do not, either individually or collectively, outweigh the conflict with the development plan identified, nor do they indicate that the development plan should not be followed.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

² Since 22 November 2023, Areas of Outstanding Natural Beauty are known as National Landscapes.