

**Ward** Dunkeswell And Otterhead

**Reference** 24/0673/OUT

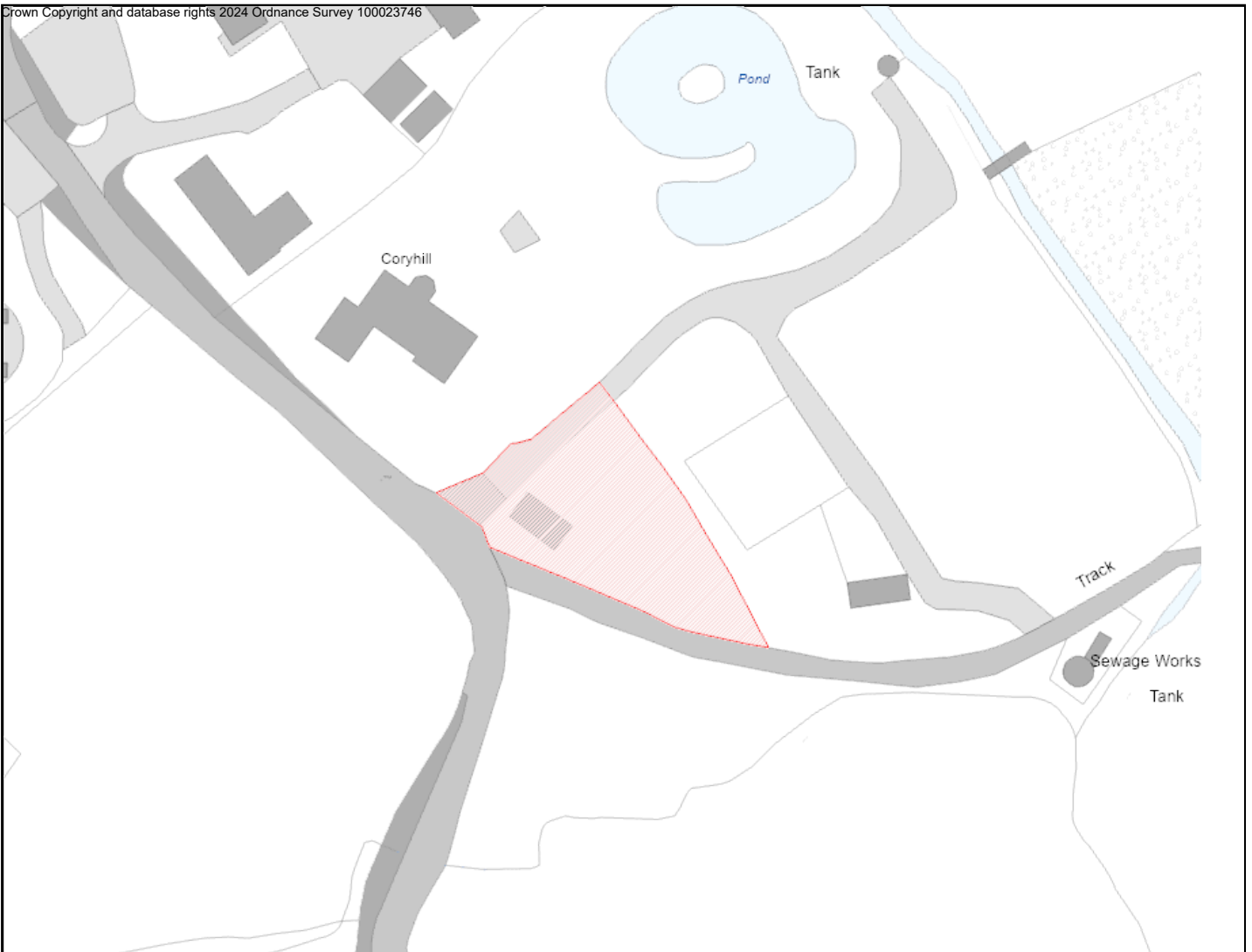
**Applicant** Mr and Mrs Padget

**Location** Cory Hill Combe Raleigh EX14 4TQ

**Proposal** Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 18.06.2024</b>
<b>Dunkeswell And Otterhead (Combe Raleigh)</b>	<b>24/0673/OUT</b>	<b>Target Date: 20.05.2024</b>
<b>Applicant:</b>	<b>Mr and Mrs Padget</b>	
<b>Location:</b>	<b>Cory Hill Combe Raleigh</b>	
<b>Proposal:</b>	<b>Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**The application is before the Committee for consideration as supported by both local Ward Members and also the Parish Council.**

**Outline permission is sought (with all matters reserved other than access) for the construction of a single storey dwelling on a triangular plot to the south of the host property.**

**Cory Hill is a detached two storey dwelling set in the substantial grounds of a former horticultural business located on the southern edge of the hamlet of Combe Raleigh, approximately 1 mile north of Honiton High Street. The site is within Blackdown Hills National Landscape. The hamlet has a church and Parish hall but no other facilities. Bus stops are c. 700m north east of the site along unlit rural lanes with no footways or street lighting and challenging gradients.**

**Set on c. 3.2 Hectares, when the business ceased, through various planning consents the agricultural tie on Cory Hill (or 'Coryhill') was lifted, a change of use granted to domestic garden, and the horticultural buildings to commercial. The commercial buildings were subsequently demolished and four dwellings erected.**

**Having regard to the principle, development, is only permitted under the provisions of Strategy 7 'Development in the Countryside' where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. There is no such policy which permits an open market dwelling and the proposal is contrary to the spatial strategy.**

**For sustainability and accessibility reasons, Strategy 3 ‘Sustainable Development’, Strategy 5B ‘Sustainable Transport’ and Policy TC2 ‘Accessibility of New Development’ all seek to ensure developments are located close to services, facilities, amenities, and public transport to minimise the need to travel by car and reduce reliance on fossil fuels. Combe Raleigh is not a sustainable location.**

**Individually and cumulatively with past domestication of the land, the landscape character would be further eroded and detract from the natural beauty of the national landscape.**

**In circumstances whereby the planning history reflects there are now five open market houses where there was once a horticultural business and tied dwelling, the spatial strategy does not support a further open market dwelling. There is no development plan policy which supports it and additional built development will inevitably adversely impact the local rural character and the natural beauty of national landscape would be further eroded. Accordingly, notwithstanding local support, the personal circumstances of the applicants who wish to downsize and remain in the hamlet, is not of sufficient weight to set aside local plan policy and the requirement for decisions to be taken in accordance with the development plan. Accordingly, refusal is recommended.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

At the Parish Meeting of 23 April 2024, the Parish Meeting recommended that the Planning Authority approve planning application 24/0673/OUT.

#### Dunkeswell And Otterhead - Cllr Colin Brown

Sorry for the late response, at the present time I support this application in my opinion it is similar to application 19/1525/FUL which was granted on appeal, there is a regular bus service from this proposed site into Honiton town and schools, Honiton itself is less than 15 minutes walking distance to Combe Raleigh, bus journey time 4 minutes.

If the officers opinion is different from mine I would like it to go to committee where I will keep an open mind until I have heard all the comments both for and against.

#### Dunkeswell And Otterhead - Cllr Yehudi Levine

I support this application.

### **Technical Consultations**

#### District Ecologist

The proposed mitigation, creation and enhancement measures are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

Should the proposal be minded for approval the following conditions are recommended:

The works shall be carried out in strict accordance with Sections 6, 7 and Appendix 3 of the Ecological Impact Assessment (Lakeway Ecological Consultancy, March 2024). Prior to first use of the building, a written record shall be submitted to the local planning authority detailing how works proceeded in accordance with the EclA report, to include photographs of the installed ecological mitigation and enhancement measures as detailed within the report.

Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

#### Blackdown Hills AONB Project Partnership

In support of planning policy, the Blackdown Hills AONB Management Plan 2019-2024 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following policies of relevance to development proposals:

#### Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

The site is well defined and self-contained adjacent to existing development at the edge of the village. Utilising and sharing an existing access will serve to limit effects on the lane. If minded to approve this application, retention of existing hedges will be important and ultimately the design and detail of the dwelling will be critical in terms of contributing to conserving and enhancing the AONB.

#### Other Representations

12 representations of support received:

- It will release a family home bringing another young family into our village to keep it alive and will allow two people to remain in the village.
- We need more housing in Devon.
- The design of the site will have no detrimental impact on village layout and views.
- The location does not impact any of the neighbours or the village as a whole.

- Our village has a disproportionate number of second/holiday homes limiting the number of permanent residents.
- It will have no adverse effect on the AONB
- Traffic will not be significantly increased.
- Both properties would be within walking distance of the town of Honiton, which would support the economy of Honiton.
- Without some development the village risks stagnation

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
89/P0778	Dwelling	Approved	16.6.1989
89/P1778	Dwelling	Approved	11.10.1989
00/P0744	Variation Of Restricted Occupancy Condition Attached To Planning Permission 89/p0778	Temporary approval	24.5.2000
05/2482/VAR	Removal of agricultural tie condition	Approved	14.12.2005
06/0903/COU	Change of use of redundant nursery buildings to light industry and storage ( B1 & B8 )	Refused	22.5.2006
06/2376/COU	Change of use from horticultural to domestic garden		25.9.2006
12/1846/OUT	Demolition of light industrial and office buildings and construction of 4 no. four bedroom dwellings and provision of car park for village use and land for village amenities	Approved	18.1.2013
08/2903/FUL	Single storey timber storage building	Approved	02.1.2009
06/3399/COU	Change of use of nursery buildings to light industrial (class B1) & storage distribution (class B8) and change of use of adjacent horticultural land to	Approved	15.2.2007

	form part of the residential curtilage of 'Coryhill'		
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**POLICIES**

East Devon Local Plan 2013-2031

- Strategy 1 (Spatial Strategy for Development in East Devon)
- Strategy 2 (Scale and Distribution of Residential Development)
- Strategy 3 (Sustainable Development)
- Strategy 5 (Environment)
- Strategy 5B (Sustainable Transport)
- Strategy 7 (Development in the Countryside)
- Strategy 27 (Development at the Small Towns and Larger Villages)
- Strategy 46 - Landscape Conservation and Enhancement and AONBs
- Strategy 47 (Nature Conservation and Geology)
- D1 (Design and Local Distinctiveness)
- EN5 (Wildlife Habitats and Features)
- EN22 (Surface Run-Off Implications of New Development)
- TC2 (Accessibility of New Development)
- TC7 (Adequacy of Road Network and Site Access)
- TC9 (Parking Provision in New Development)

National Policy

- National Planning Policy Framework 2023
- National Planning Policy Guidance

Site Location and Description

Located on the southern edge of the hamlet of Combe Raleigh, historically the site was part of a horticultural business which started in 1971 and which covered around 3.2 Ha. When the business ceased, through various planning consents the agricultural tie on Cory Hill (or 'Coryhill' which appears to be used interchangeably) was lifted, a change of use was granted for the nursery buildings to business use and the land to domestic garden associated with Cory Hill. The commercial buildings were subsequently demolished and four dwellings erected.

Cory Hill itself is a detached two storey five bedroom detached dwelling set in the substantial grounds of the former horticultural business. The four dwellings are located to the north of Cory Hill. The application site is a triangular plot to the south of Cory Hill. The plot has substantial hedgerow boundaries including one of mixed elm and western red cedar to the southern boundary closest to the public highway. The land is laid to grass with a number of young apple trees located centrally. The site borders open countryside and a sewage treatment works.

The site is approximately 115m from the access to the junction with St Nicholas Church via a narrow unlit rural lane with no footways. Access to the hamlet is via a narrow unlit rural lane with no footways. There is a Parish Hall c. 400m from the site access, but no other amenities in the hamlet.

Combe Raleigh is approximately 1 mile north of Honiton High Street and the site is within Blackdown Hills National Landscape. The nearest bus stop is to the north east of the site approximately 700m along the rural lanes.

## Proposal

Outline planning permission (with all matters reserved other than access) is sought for the construction of a single storey dwelling. The means of access is the existing access for Cory Hill, which would become a shared access. Details of the appearance, landscaping, layout, and scale are reserved for future consideration.

The planning statement explains that the dwelling would be occupied by the current ageing occupants of the five bedroom property, Cory Hill, however it should be noted that the proposal is for an open market dwelling which could in fact be occupied by anyone.

## ANALYSIS

The main issues are considered to be:

- The principle of development
- Sustainability/ Accessibility
- Landscape, Character, and Appearance
- Residential Amenity
- Highway Considerations including Safety
- Ecological Impact
- Arboricultural Impact
- Surface Water and Foul Drainage

### The principle of development

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development. As a small rural hamlet with few amenities, only a church and Parish Hall, Combe Raleigh is not considered to be a sustainable location for additional residential development.

In planning terms the site is in the countryside, outside of a built-up area boundary (BuAB) as defined by the East Devon Local Plan. Development is only permitted under the provisions of Strategy 7 'Development in the Countryside' where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity, and environmental qualities within which it is located.

There is no Local Plan policy which permits an open market dwelling. As such, the requirements of Strategy 7 are not met, the proposal is contrary to the provisions of the development plan as a matter of principle and contrary to the NPPF taken as a whole. In circumstances whereby there are insufficient amenities or services within safe walking or cycling distance to meet day to day needs, reliance on car travel would be very high. The spatial strategy is predicated on meeting the housing needs of the District in locations where there are opportunities for safe active travel and access to regular and convenient public transport, about which more is said below.

The Local Plan explains development in the countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven agricultural, forestry or horticultural need, or it will meet a community need that is not or will otherwise not be met or

there is another clear policy justification. Cory Hill once met such a horticultural need but is no longer tied. There is no justification for a further open market dwelling on this land.

The second part of Strategy 7 is considered further below, including issues surrounding development within the Blackdown Hills National Landscape.

The NPPF states at paragraph 77 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework".

This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

The draft local plan consultation undertaken by East Devon District council in November 2022 to January 2023 was carried out under Regulation 18 and so the Local Plan is sufficiently progressed to benefit from this provision. On this basis, as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied.

For the most part the personal circumstances of applicants are not usually relevant to planning considerations. That said, it is possible that the LPA could consider the personal circumstances of an applicant in a particular case to be a material consideration. There would need to be sound planning reasons for this and having regard to the duty on the LPA to take decisions in accordance with the development plan, considered as part of the balance of planning considerations, personal circumstances would seldom be the overriding consideration, such that on the balance of planning considerations the provisions of the development plan could be set aside. The personal circumstances of the applicants, that they are getting on in years, wish to downsize and remain living locally are in no way unusual, overriding, or sufficient to set aside the aims of the spatial strategy and development plan policy.

As such, there is no overriding material consideration upon which to base any departure from local plan policy and the proposal, being contrary to strategies 1, 2 and 7, paragraph 11 of the NPPF and the NPPF taken as a whole is unacceptable as a matter of principle.

#### Sustainability/ Accessibility

In addition to the spatial strategy policies considered above, Strategy 3 'Sustainable Development' advises the objective of ensuring sustainable development is central to our thinking and includes consideration of factors such as the prudent use of natural resources, which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. As such, developments which are heavily reliant on car travel are not considered sustainable. This is central to the spatial strategy and a new dwelling in a hamlet like Combe Raleigh



without adequate services and facilities to meet day to day needs is not supported under Strategy 3.

Strategy 5B 'Sustainable Transport' of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe, and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

This is echoed in policy TC2 'Accessibility of New Development' of the Local Plan which states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also be well related to compatible land uses so as to minimise the need to travel by car.

The nearest settlement to the site other than the hamlet of Combe Raleigh which does not have services, facilities, and amenities to meet day to day living needs, is Honiton, which has a built-up area boundary (BuAB) and is listed under Strategy 23. Under Strategy 27, if communities wish to promote development other than that which is supported through this strategy and other strategies in the Plan, they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts) justifying how and why, in a local context, the development will promote the objectives of sustainable development. There is no Neighbourhood Plan covering Combe Raleigh and this is not the case here.

Combe Raleigh has no basic services, facilities, or amenities other than a church and Parish hall. The planning statement advises that there is an approved farm shop 50m away. However, it appears that permission has not been implemented and is time expired. The site lies c. 1 mile north of the High Street in Honiton. The nearest bus stop is c. 700m north east of the site via an unlit rural lane with challenging gradients where, in the absence of continuous footways and lighting, pedestrian and cyclist safety and convenience is a significant issue of concern. 'Walkable neighbourhoods' are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. No such facilities, either the services or the footways, exist. The bus stops are not easily and safely accessible on foot by all. They provide a limited service from Seaton, Colyton, Honiton, Taunton. There are 5 buses per day with the last bus leaving Honiton at 1740. To gain access to the nearest services and amenities at Honiton is not considered easy or safe for pedestrians or cyclists, particularly at night, and in such circumstances, reliance on car travel would be high. Conflict with Policy TC2 'Accessibility of New Development' arises for all the journeys required by a household to access services and amenities. Residents of the development would need to travel to and beyond the village to access essential facilities such as a GP surgery, shops, employment, and reliance on a private vehicle would be high.

It is clearly apparent that this is not a sustainable location for new residential development and approval would be in conflict with the provisions of the development plan.

The proposal also conflicts with the relevant aspects of the National Planning Policy Framework, including the requirement for patterns of growth to be actively managed by limiting the need to travel and offering a choice of transport modes.

As a result the location of the development is not considered to meet the provisions of Strategies 3 and 5B and Policy TC2 of the Local Plan, there is no policy support for an open market dwelling which would increase reliance on car travel and the proposal is an

unsustainable form of development. Conflicts with policy and guidance are not outweighed by personal circumstances.

### Landscape, Character, and Appearance

The Local Plan advises all development in the countryside should have regard to the District Landscape Characterisation Assessment (LCA), so as to take account of the different roles and character of different areas.

Strategy 7 'Development in the Countryside' of the Local Plan states that development will only be permitted where it would not harm the distinctive landscape, amenity, and environmental qualities within which it is located.

Policy D1 'Design and Local Distinctiveness' of the Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and where the scale, massing, density, height, fenestration, and materials of buildings relate well to their context.

The site lies within the Blackdown Hills National Landscape. Strategy 46 'Landscape Conservation and Enhancement and AONBs' advises development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty, and sets criteria to be met.

Paragraph 182 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB. This is consistent with the duty on the decision maker under the CROW Act to conserve the natural beauty of the National Landscape.

A number of development plan policies and provisions within Section 12 of the NPPF 'Achieving well-designed places' seek to ensure development is appropriate to its setting and is of an acceptable design, including paragraph 135, for development to add to the overall quality of the area, be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping and sympathetic to local character and landscape setting.

In addition to being within the Blackdown Hills National Landscape, an Area of Outstanding Natural Beauty, the site also lies within landscape Character Type (LCT) 3A. 'Upper farmed and wooded valley slopes'. One of the key characteristics of this landscape type is 'frequently remote and tranquil with little modern development.' The impact of the proposal on the National Landscape and countryside requires careful consideration. The National Landscape is protected by the Countryside and Rights of Way Act 2000 (CROW Act), which sets out the roles and responsibilities of the LPA, who have a duty to make sure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of the National Landscape. Decisions must consider the potential effect it will have within the National Landscape and land outside its boundary.

The application is in outline where matters including appearance, landscaping, layout, and scale are not under consideration at this stage. Indicative drawings have been produced showing how a single-storey 2 x bedroom bungalow could be accommodated on the site with space for car parking and turning area. There would be sufficient garden area provided surrounding the plot.

The National Landscape officer considers the site is well defined and self-contained adjacent to existing development at the edge of the village. Utilising and sharing an existing access will serve to limit effects on the lane. If minded to approve this application, the National

Landscape officer advises retention of existing hedges will be important and ultimately the design and detail of the dwelling will be critical in terms of contributing to conserving and enhancing the AONB.

The site is well screened from the public highway and retention of the hedges would be essential in screening the development in public views. Having regard to the key characteristics of the National Landscape and Landscape Character Area, as 'frequently remote and tranquil with little modern development', further modern residential development, individually and cumulatively with past residential development permitted within the grounds of the former horticultural business, would further alter the balance between the natural and built environment, would not conserve the natural beauty of the National Landscape and gives rise to conflict with policies aimed at protecting the countryside for its own intrinsic value, thereby being contrary to the aims of Strategy 47 and paragraph 182 of the NPPF and the provisions of the NPPF read as a whole.

### Residential Amenity

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties. Whilst the introduction of a dwelling into the site would result in a degree of impact on the amenities of the occupiers of Cory Hill, largely arising out of noise disturbance from vehicles from the change from private access to shared access, the site is considered to be of a sufficient size to accommodate the proposed dwelling without resulting in any significant harm or physical impact. The proposed dwelling would be sited sufficiently away from the boundaries of the site and screened such that it is not considered that the proposed dwelling would result in any significant harm to the amenities of the occupiers of Cory Hill. No conflict with the amenity aspects of policy D1 arise.

### Highway Considerations including Safety

Policy TC7 'Adequacy of Road Network and Site Access' of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 'Parking Provision in New Development' of the Local Plan states that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The proposal would use the existing access to the site and provide a driveway and turning area within the site. Whilst no car parking spaces are annotated, there is space to provide for off-street parking. The existing access is located on a bend in the lane and visibility is not ideal. The gate is recessed and it is possible to get a car off-street on the forecourt apron. Whilst the introduction of a new dwelling on the site will increase the number of traffic movements to and from the site over and above the way it is currently used, as a single dwelling with access onto a lightly trafficked rural road with a 30mph speed limit, serving a small hamlet, where traffic levels and speeds are low, on balance no undue significant highways safety concerns arise. The proposal would comply with the provisions of policies TC7 and TC9 of the Local Plan. However, given visibility is limited, this weighs at best neutrally in the planning balance.

### Ecological Impact

Policy EN5 'Wildlife Habitats and Features' of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is supported by an Ecological Impact Assessment (EclA) with a walkover of the site undertaken in February 2024. The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice, and existing site context and should be read in conjunction with the submitted information. The proposals include the removal of species poor modified grassland and 7 small fruit trees in addition to the demolition of a timber framed workshop. The EclA considers these habitats to be of limited ecological value with no adverse impact to protected or notable species. The building was inspected by a suitably qualified licenced ecologist; no evidence of bat use was found.

The site is bounded by two hedgerows, which the EclA considers having the potential to support nesting birds, dormice, commuting bats, reptiles, and hedgehogs. The proposals include the retention of these two hedgerows; therefore, adverse impacts to protected or notable species onsite is unlikely, and no further surveys are required.

The District Ecologist considers the proposed mitigation, creation and enhancement measures are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

Should the proposal be minded for approval, issues including biodiversity net gain could be addressed by condition.

#### Arboricultural Impact

An initial tree constraints appraisal report has been submitted with the application. There are no notable trees within the site. A group of young apple trees within the middle of the site would be re-planted. The boundary hedges which are clipped would all be retained including the front boundary hedge. A development could be achieved sufficiently distant from boundary hedges and trees to avoid undue impacts.

#### Surface Water and Foul Drainage

Flooding/ Drainage – Although close to flood zones 2 and 3, the site itself lies within flood zone one and is at low risk of flooding. It is outside any critical drainage area. Surface water is proposed to be discharged by means of a sustainable drainage system. As such, matters could be addressed by condition.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The site is within the countryside where residential development is restricted in accordance with the spatial strategy. The location is not well related to services, facilities, and amenities to serve the day to day needs of future occupiers, and in the absence of safe, convenient access for all pedestrians and cyclists to such facilities and given the distance and gradients to the nearest bus stops, the proposal would result in increased reliance on car travel and is an unsustainable form of development.

The proposal would be contrary to the provisions of Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 2 (Scale and Distribution of Residential Development), Strategy 3 (Sustainable Development), Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside), and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031, and the guidance set out in the National Planning Policy Framework which concerns actively managing patterns of growth in support of the promotion of opportunities for walking, cycling and public transport.

2. The proposal would inevitably introduce modern built development, and having regard to the natural beauty of the National Landscape and the key characteristics of the Landscape Character Area as 'frequently remote and tranquil with little modern development', such development would, individually and cumulatively, alter the balance between the natural and built environment and would not conserve the natural beauty of the National Landscape and local landscape character, contrary to the aims of Strategy 46 (Landscape Conservation and Enhancement and AONBs), paragraph 182 of the NPPF and the provisions of the NPPF read as a whole.

## NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL please email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

### Plans relating to this application:

Location Plan            25.03.24

08.01 Rev A Vehicle tracking - Refuse    Other Plans    25.03.24

08.02 Rev A Vehicle tracking - Fire Tender    Other Plans    25.03.24

08.03 Rev A Vehicle tracking - Car            Other Plans    25.03.24

SK02.00 Rev A Highway access    Other Plans    25.03.24

### List of Background Papers

Application file, consultations and policy documents referred to in the report.

## **Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This

Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.