

Agenda for Planning Committee Tuesday, 22nd April, 2025, 10.00 am

Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown,
J Brown, S Chamberlain, M Chapman,
O Davey (Chair), P Faithfull, S Gazzard,
D Haggerty, A Hall, M Hall (Vice-Chair),
M Howe, S Smith and E Wragg



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Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Issued: Friday, 11 April 2025

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

Speaking on planning applications

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Friday, 11 April 2025 up until 12 noon on Wednesday, 16 April 2025 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will contact you if your request to speak has been successful.

1 Speakers' list and revised running order for the applications

Speakers' list removed.

2 Minutes of the previous meeting (Pages 4 - 7)

Minutes of the Planning Committee meeting held on 25 March 2024.

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 Planning appeal statistics (Pages 8 - 24)

Update from the Development Manager

Applications for Determination

8 25/0173/PIP (Minor) WEST HILL & AYLESBEARE (Pages 25 - 38)

Elsdon House, Elsdon, West Hill.

9 24/2515/PIP (Minor) OTTERY ST MARY (Pages 39 - 62)

Land at Slade Farm, Slade Road, Ottery St Mary.

10 22/2428/FUL (Minor) EXMOUTH HALSDON (Pages 63 - 92)

Lympstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.

11 **24/2199/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 93 - 104)

Toilets, East End, Queens Drive, Exmouth.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

**Minutes of the meeting of Planning Committee held at Council Chamber,
Blackdown House, Honiton on 25 March 2025**

Attendance list at end of document

The meeting started at 10.03 am and ended at 2.50 pm

263 Minutes of the previous meeting

The Chair advised that consideration of the minutes of 25 February 2025 will take place at a future meeting.

264 Declarations of interest

Minute 268. 24/2576/FUL (Minor) OTTERY ST MARY.
Councillor Peter Faithfull, Affects Non-registerable Interest, Known to the Directors of Ottery Larder which occupies the former school but remained open minded in the consideration of this planning application.

265 Matters of urgency

There were none.

266 Confidential/exempt item(s)

There was one confidential item recorded at minute 273.

267 Planning appeal statistics

The Committee noted the Development Manager's report which included three updates on the planning appeals that had been decided.

Members were advised about two planning applications that had been allowed. Planning application 23/2506/MFUL for the installation of solar array and associated infrastructure, access and landscaping had been allowed as the Inspector determined that the public benefits would outweigh the harm to the character and appearance of the area. The second application 23/0571/MFUL for the former council offices at Knowle, Sidmouth had also been allowed as the Inspector determined that the proposal was well designed and would not be prominent in its surroundings.

Members were also advised about planning application 24/0640/FUL for the construction of manager's accommodation and extension to Lily Farm Vineyard business premises that had been dismissed.

Following a reoccurring question about the total figure for costs made against the council, the Development Management advised that this could be included in the annual appeals report that would be brought to Committee at a future meeting.

268 24/2576/FUL (Minor) OTTERY ST MARY

Applicant:

Darren Mullin (Broadoak Services SW Ltd.)

Location

Former School, Yonder Street, Ottery St Mary.

Proposal:

Conversion of Old Boys School to three apartments and retention of community facilities.

RESOLVED:

Approved with conditions as per the officer recommendation but subject to the following amendments to conditions:

- Condition to require that a minimum of four parking spaces are provided on-site for the community use.
- Condition 4 to be amended to include an earlier trigger point to agree details: 'prior to installation or prior to the commencement of works to construct the mezzanine floor, whichever is the sooner'.

269 **23/2385/FUL (Minor) SIDMOUTH SIDFORD**

Applicant:

Mr Aldam.

Location:

87 Sidford High Street, Sidford, EX10 9SA.

Proposal:

Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.

RESOLVED:

Approved with conditions as per officer recommendations but subject to the following amendments to conditions:

- Condition 9 (CEMP): Amend to include 'no burning on site' and to require that the receptor sites for the slow worms shall be as close to the site as is reasonably possible.
- Condition to require provision of smart water butts providing 200 litre capacity per bedroom prior to occupation.
- Condition requiring submission and approval of a sustainability statement prior to development continuing above slab level to demonstrate sustainable methods of construction which should consider the provision of solar panels. Development to accord with the agreed details which shall have been provided prior to first occupation.

270 **24/1849/FUL (Minor) SEATON**

Applicant:

Kerri-Ann Betty.

Location:

30 and 32 Queen Street, Seaton, EX12 2RB.

Proposal:

Demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above.

RESOLVED:

Refused in accordance with the officer recommendation except that the reason for Recommendation 2 (impact on conservation area) is to be omitted.

271 **25/0100/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr I White.

Location:

Land north east of Grange Close, Lympstone, EX8 5LD.

Proposal:

Erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.

RESOLVED:

Approved with conditions as per officer recommendation but subject to the following additional conditions:

- Condition to require provision of smart water butts providing 200 litre capacity per bedroom prior to occupation.
- Condition requiring the submission and approval of a sustainability statement prior to development continuing above slab level to demonstrate sustainability methods of construction which should consider the provision of solar panels. Development to accord with the agreed details which shall have been provided prior to first occupation.

272 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

The Committee agreed that under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt and private information (as set out against the Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

273 **22/1910/MFUL (Major) EXMOUTH**

Applicant:

Mr Azim Lalani.

Location:

Devoncourt Hotel, 16 Douglas Avenue, Exmouth.

Proposal:

Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works.

The Development Manager updated the Committee on matters regarding the current appeal which is ongoing.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
I Barlow
K Bloxham
C Brown
J Brown
S Chamberlain
M Chapman
O Davey (Chair)
P Faithfull
S Gazzard
D Haggerty
A Hall
M Hall (Vice-Chair)
M Howe
S Smith
E Wragg

Councillors also present (for some or all the meeting)

A Bailey
R Collins

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Jill Himsworth, Planning Officer
Wendy Harris, Democratic Services Officer

Chairman

Date:

Ref: 23/F0111 **Date Received** 06.03.2025
Appellant: Mr Robert Hobson
Appeal Site: Land at Broad Down, north of Wiscombe Linhay Farm, Southleigh, Colyton EX24 6JF
Proposal: Appeal against an enforcement notice served in respect of siting and storage of non-agricultural items on the land including a static caravan, shipping containers, a porta cabin, a storage/toilet block and a commercial vehicle.
Planning Inspectorate Ref: APP/U1105/C/25/3361991

Ref: 24/2042/FUL **Date Received** 12.03.2025
Appellant: Mr & Mrs Peter Leeming
Appeal Site: Homedale Cowley Exeter EX5 5EL
Proposal: Construction of single garage with alteration to fenestration on existing garage
Planning Inspectorate Ref: APP/U1105/D/25/3362268

Ref: 24/1832/FUL **Date Received** 26.03.2025
Appellant: Hugh McCormick
Appeal Site: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal: Replacement of existing single family dwelling and creation of 4 no. apartments.
Planning Inspectorate Ref: APP/U1105/W/25/3363078

Ref: 24/2661/FUL **Date Received** 31.03.2025
Appellant: Hugh McCormick
Appeal Site: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal: Terraced landscaping to rear garden
Planning Inspectorate Ref: APP/U1105/W/25/3363293

Ref: 24/0371/FUL **Date Received** 31.03.2025
Appellant: Mr Kevin Howe
Appeal Site: Bridgend Harpford Devon EX10 0NG
Proposal: Removal of residential caravan and conversion of building to dwelling.
Planning Inspectorate Ref: APP/U1105/W/25/3363278

Ref: 24/2384/FUL **Date Received** 04.04.2025
Appellant: Sam and Alice Carlisle
Appeal Site: Coly Dale Station Road Colyton EX24 6HA
Proposal: Proposed extensions
Planning APP/U1105/W/25/3363540
Inspectorate Ref:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 24/0913/PIP **Appeal Ref:** 24/00052/REF
Appellant: Mr Jake Huntley
Appeal Site: 2 Lime Grove Exmouth EX8 5NN
Proposal: Permission in principle for 1 no. dwelling.
Decision: **Appeal Dismissed** **Date:** 12.03.2025
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1, Strategy 6, NP Policy EB2).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3349912
Inspectorate Ref:

Ref: 22/1813/LBC **Appeal Ref:** 24/00056/LBC
Appellant: Mr Mel Ziziros
Appeal Site: Podburys Cottage Higher Way Harpford Devon EX10 0NJ
Proposal: Construction of a Two storey side extension and retrospective approval for the widening of the existing vehicular access to the boundary wall.
Decision: **Split Decision** **Date:** 14.03.2025
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies D1, EN8, EN9, Strategy 48, NP Policies EP1, H3, HQD1).

Appeal dismissed in respect of the proposed extension but allowed insofar as it relates to the widening of the existing access to the boundary wall.

The Council had clarified in the delegated report that there was no objection to the widening of the access.

The Inspector agreed with the Council that the proposed extension would cause harm to the significance of the designated heritage asset.
BVPI 204: **No**
Planning APP/U1105/Y/24/3351417
Inspectorate Ref:

Ref:	24/0592/FUL	Appeal Ref:	24/00082/REF
Appellant:	Mr and Mrs Pym		
Appeal Site:	Pyms Poltimore EX4 0AA		
Proposal:	Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank		
Decision:	Appeal Allowed (with conditions)	Date:	19.03.2025
Procedure:	Written representations		
Remarks:	Delegated refusal conservation reasons overruled (EDLP Policies EN8, EN9).		

The Inspector noted that the proposed rear extension would be a sizeable addition to the listed cottage. However, it would be in a similar position to the existing stores and conservatory. With the demolition of the garage, which would remove an unsympathetic addition at the side and front of the cottage and enhance its roadside appearance, there would be a net reduction in floorspace.

The Inspector acknowledged that that there would be some loss of historic fabric, together with the loss of historic stores at the rear of the building and this needed to be considered in the overall context of the proposals, including the benefits to be derived from securing the removal of a poorly designed garage and a rather ill-fitting conservatory, as well as the provision of enhanced off-road parking and turning for vehicles, a charging point for electric vehicles and more useable habitable space to assist in furthering the residential use of this designated heritage asset.

The Inspector concluded that the proposals would preserve the special architectural and historic qualities of Pym's and there would be no conflict with the provisions of Policies EN8 or EN9 of the East Devon Local Plan.

BVPI 204:	Yes
Planning	APP/U1105/W/24/3357937
Inspectorate Ref:	

Ref:	24/0593/LBC	Appeal Ref:	24/00083/LBCREF
Appellant:	Mr and Mrs Pym		
Appeal Site:	Pyms Poltimore EX4 0AA		
Proposal:	Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank		
Decision:	Appeal Allowed	Date:	19.03.2025
	(with conditions)		
Procedure:	Written representations		
Remarks:	Delegated refusal conservation reasons overruled (EDLP Policies EN8, EN9).		

The Inspector noted that the rear extension would be a sizeable addition to the listed cottage. However, it would be in a similar position to the existing stores and conservatory. With the demolition of the garage, which would remove an unsympathetic addition at the side and front of the cottage and enhance its roadside appearance, there would be a net reduction in floorspace.

The Inspector acknowledged that that there would be some loss of historic fabric, together with the loss of historic stores at the rear of the building and this needed to be considered in the overall context of the proposals, including the benefits to be derived from securing the removal of a poorly designed garage and a rather ill-fitting conservatory, as well as the provision of enhanced off-road parking and turning for vehicles, a charging point for electric vehicles and more useable habitable space to assist in furthering the residential use of this designated heritage asset.

The Inspector concluded that the proposals would preserve the special architectural and historic qualities of Pym's and there would be no conflict with the provisions of Policies EN8 or EN9 of the East Devon Local Plan.

BVPI 204: **No**
Planning APP/U1105/Y/24/3357936
Inspectorate Ref:

Ref:	24/0110/FUL	Appeal Ref:	24/00040/REF
Appellant:	Mulberry Architectural Services		
Appeal Site:	Branscombe Farm Ebford Lane Ebford EX3 0QX		
Proposal:	Proposed demolition of existing structures and erection of two dwellings, garages, improvements to existing vehicular access, hardstanding, landscaping and all associated development		
Decision:	Appeal Dismissed	Date:	25.03.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, amenity and conservation reasons upheld (EDLP Policies D1, EN9, NP Policies CSG8, CSG9).		
BVPI 204:	Yes		
Planning	APP/U1105/W/24/3347347		
Inspectorate Ref:			

Ref: 24/0641/FUL **Appeal Ref:** 24/00072/REF
Appellant: Mr M Ward
Appeal Site: Land at Back Lane Newton Poppleford EX10 0DH
Proposal: Construction of 1no new detached dwelling and garage with associated works, and ground mounted solar panels
Decision: **Appeal Dismissed** **Date:** 27.03.2025
Procedure: Written representations
Remarks: Delegated refusal, accessibility, landscape, ecology and best most versatile agricultural land reasons upheld (EDLP Policies D1, D3, EN5, EN13, TC2, Strategies 1, 3, 5B, 7, 46, 47, NP Policies EP1, TH1).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3355874
Inspectorate Ref:

Ref: 24/0721/FUL **Appeal Ref:** 25/00004/REF
Appellant: Mr I White
Appeal Site: Land northeast of Grange Close Lympstone EX8 5LD
Proposal: The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.
Decision: **Appeal Withdrawn** **Date:** 28.03.2025
Procedure:
Remarks:
BVPI 204: **No**
Planning APP/U1105/W/25/3359507
Inspectorate Ref:

Ref: 24/0673/OUT **Appeal Ref:** 24/00060/REF
Appellant: Mr and Mrs Padget
Appeal Site: Cory Hill Combe Raleigh EX14 4TQ
Proposal: Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling
Decision: **Appeal Dismissed** **Date:** 31.03.2025
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal. Accessibility and landscape reasons upheld (EDLP Policy TC2, Strategies 1, 2, 3, 5B, 7, 46).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3352696
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 23/1270/CPE
Appeal Ref: APP/U1105/X/24/3339119
Appellant: Mr and Mrs C M Summers
Address: The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB
Proposal; Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.
Start Date: 14 March 2024
Procedure: Written reps.
Questionnaire Due Date: 28 March 2024
Statement Due Date: 25 April 2024

App.No: 24/0439/TRE
Appeal Ref: APP/TPO/U1105/10189
Appellant: Mr Steven Richards
Address: Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL
Proposal; G7.1 and G7.2 Lime:
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.
Start Date: 26 July 2024
Procedure: Written reps.
Questionnaire Due Date: 9 August 2024

App.No: 23/2725/FUL
Appeal Ref: APP/U1105/W/24/3348938
Appellant: Mr Mark & Lisa Clouter
Address: Kings Arms Farm Nags Head Road Gittisham Honiton EX14 3AP
Proposal; House of multiple occupation (HMO), that provides individual living-rooms for vulnerable people; the facility includes communal areas for socialising, cooking and dining set with private and secure gardens.
Start Date: 10 September 2024
Procedure:
Written reps.
Questionnaire Due Date: 17 September 2024
Statement Due Date: 15 October 2024

App.No: 22/0508/MFUL
Appeal Ref: APP/U1105/W/24/3351691
Appellant: HB825AXM Limited
Address: Land At Pound Farm Hawkchurch
Proposal; Battery energy storage scheme and associated development.
Start Date: 24 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 31 October 2024
Statement Due Date: 28 November 2024

App.No: 24/0512/FUL
Appeal Ref: APP/U1105/W/24/3352912
Appellant: Teresa Loynd
Address: Woodentop Littledown Lane Newton Poppleford
Proposal; Alteration to design of agricultural building approved under ref. 17/1130/COU (retrospective), change of use of part of the land holding for amenity use including retention of a timber amenity hut.
Start Date: 28 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2024
Statement Due Date: 2 December 2024

App.No: 24/0892/FUL
Appeal Ref: APP/U1105/W/24/3353308
Appellant: Mr Mathew Swabey
Address: Beachcroft Burrow Road Seaton Devon EX12 2NF
Proposal; Change of use from ancillary accommodation to holiday let (retrospective)
Start Date: 4 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 11 November 2024
Statement Due Date: 9 December 2024

App.No: 24/0556/FUL
Appeal Ref: APP/U1105/W/24/3353376
Appellant: Mr P Groves
Address: Land to west of Marles Close Awliscombe
Proposal; Erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping.
Start Date: 7 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 14 November 2024
Statement Due Date: 12 December 2024

App.No: 23/2422/FUL
Appeal Ref: APP/U1105/W/24/3353886
Appellant: Mr & Mrs Brinton
Address: Land to rear of Great Halls Aylesbeare EX5 2FD
Proposal; Erection of highly sustainable self-build dwelling with associated landscaping and biodiversity enhancements.
Start Date: 12 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 19 November 2024
Statement Due Date: 17 December 2024

App.No: 24/0782/VAR
Appeal Ref: APP/U1105/W/24/3355019
Appellant: John Slater
Address: Tritchayne Farm Cottages Colyton EX24 6SP
Proposal; Removal of condition 4 (holiday accommodation restriction) of planning permission 00/P0545 (Conversion of redundant farm buildings to holiday let units)
Start Date: 26 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 3 December 2024
Statement Due Date: 31 December 2024

App.No: 24/0043/PIP
Appeal Ref: APP/U1105/W/24/3355106
Appellant: Mr C Horner
Address: Land At Ford Farm Woodbury
Proposal; Permission in principle for the erection of 9 no. dwellings
Start Date: 29 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 6 December 2024
Statement Due Date: 3 January 2025

App.No: 23/1785/FUL
Appeal Ref: APP/U1105/W/24/3357175
Appellant: Mr Lewis Pring
Address: The Old Reservoir Ridgeway Lane Colyton
Proposal; Demolition of existing reservoir tanks and construction of new dwelling house.
Start Date: 30 December 2024
Procedure:
Written reps.
Questionnaire Due Date: 6 January 2025
Statement Due Date: 3 February 2025

App.No: 24/0167/FUL
Appeal Ref: APP/U1105/W/24/3356723
Appellant: David and Gillian Fitzgerald
Address: Beaumont Castle Hill Seaton Devon EX12 2QW
Proposal; Change of use of former guest house (Use Class C1 Hotels) to form single independent dwellinghouse (Use Class C3 Dwellinghouses).
Start Date: 2 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 January 2025
Statement Due Date: 6 February 2025

App.No: 23/2612/OUT
Appeal Ref: APP/U1105/W/24/3357250
Appellant: David Pring
Address: Land at Lower Broad Oak Road West Hill
Proposal; Outline planning application for the construction of 5 no. dwellings, with all matters reserved
Start Date: 13 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 January 2025
Statement Due Date: 17 February 2025

App.No: 23/0939/FUL
Appeal Ref: APP/U1105/W/24/3358074
Appellant: Sir and Mrs John and Lucy Kennaway
Address: Clapperentale Farm Escot Park Ottery St Mary Devon EX11 1LU
Proposal; Demolition of barn and construction of new dwelling.
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/1028/FUL
Appeal Ref: APP/U1105/W/24/3358068
Appellant: Mr Stephen Drinkall
Address: Warehouse (Store rear of Belvedere House) Danby Lane Exmouth
Proposal; Demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3)
Start Date: 14 January 2025
Procedure: Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/0385/VAR
Appeal Ref: APP/U1105/W/24/3357889
Appellant: Mr R Giles
Address: The Cider Press Winslade Barton Clyst St Mary Exeter EX5 1AT
Proposal; Removal of condition B (agricultural workers occupancy restriction) attached to planning permission 77/C1363 conversion of barn to a three-bedroom dwelling
Start Date: 21 January 2025
Procedure: Hearing
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025
Hearing Date: 15 April 2025

App.No: 24/0431/MOUT
Appeal Ref: APP/U1105/W/24/3357849
Appellant: Taylor Wimpey UK Ltd
Address: Land east of Colestocks Road Feniton
Proposal; Outline planning application for up to 86 dwellings with access from Colestocks Road; the provision of public open space, landscaping, drainage, and associated highways improvements and infrastructure. All matters to be reserved except for access
Start Date: 21 January 2025
Procedure: Inquiry
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025
Inquiry Date: 1 May 2025

App.No: 24/0225/FUL
Appeal Ref: APP/U1105/W/25/3358310
Appellant: F W S Carter & Sons
Address: Greendale Farm Shop Farringdon Devon EX5 2JU
Proposal; Retrospective application for a mud ventures building
Start Date: 21 January 2025

Procedure:
Written reps.

Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025

App.No: 24/1116/OUT
Appeal Ref: APP/U1105/W/25/3359249
Appellant: Mr And Mrs S Steiner
Address: Sandy Way Kerswell Cullompton EX15 2EJ
Proposal; Outline application for a self-build dwelling with all matters reserved apart from access
Start Date: 4 February 2025

Procedure:
Written reps.

Questionnaire Due Date: 11 February 2025
Statement Due Date: 11 March 2025

App.No: 22/1910/MFUL
Appeal Ref: APP/U1105/W/24/3355976
Appellant: Mr Azim Lalani
Address: Devoncourt Hotel 16 Douglas Avenue Exmouth Devon EX8 2EX
Proposal; Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works

Start Date: 11 February 2025
Procedure:
Hearing

Questionnaire Due Date: 18 February 2025
Statement Due Date: 18 March 2025
Hearing Date: 23 April 2025

App.No: 24/1836/PDQ
Appeal Ref: APP/U1105/W/25/3359850
Appellant: Mr Slade (R S Aylesbeare Ltd)
Address: Barton Farm Village Way Aylesbeare
Proposal; Prior approval (Class Q) for a change of use of a building as an agricultural unit to 2no. dwellinghouses (Use Class C3)
Start Date: 11 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 18 February 2025
Statement Due Date: 18 March 2025

App.No: 24/0802/FUL
Appeal Ref: APP/U1105/D/25/3359940
Appellant: Mr & Mrs Jones
Address: Tadpoles Longmeadow Road Lympstone EX8 5LF
Proposal; Construction of new storage building in front of property, 400mm extension to boundary fence and retrospective permission for a small extension to rear garden terrace.
Start Date: 11 February 2025
Procedure:
Householder
Questionnaire Due Date: 18 February 2025

App.No: 23/2121/FUL
Appeal Ref: APP/U1105/W/25/3360422
Appellant: Carolyn Chapman
Address: Land adjacent Shute Farm Fluxton
Proposal; Proposed barn and polytunnels
Start Date: 24 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 3 March 2025
Statement Due Date: 31 March 2025

App.No: 23/1269/MFUL
Appeal Ref: APP/U1105/W/24/3356636
Appellant: 3West Strawberry Hill Ltd
Address: Land South of Meeting Lane Lymptstone
Proposal; Construction of 42 residential units, affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping
Start Date: 27 February 2025
Procedure: Hearing
Questionnaire Due Date: 6 March 2025
Statement Due Date: 3 April 2025
Hearing Date: 4 June 2025

App.No: 24/1938/FUL
Appeal Ref: APP/U1105/W/25/3361026
Appellant: Mr Ben Smith
Address: Halls Farm Metcombe Ottery St Mary Devon EX11 1SS
Proposal; Conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings
Start Date: 3 March 2025
Procedure: Written reps.
Questionnaire Due Date: 10 March 2025
Statement Due Date: 7 April 2025

App.No: 21/F0311
Appeal Ref: APP/U1105/C/25/3360742 & APP/U1105/F/25/3360464
Appellant: Julia Gardiner
Address: 55 High Street, Honiton EX14 1PW
Proposal; Appeals against enforcement notices served in respect of the installation of windows in a listed building
Start Date: 10 March 2025
Procedure: Written reps.
Questionnaire Due Date: 24 March 2025
Statement Due Date: 21 April 2025

App.No: 23/1276/MOUT
Appeal Ref: APP/U1105/W/25/3361389
Appellant: Mr R Falle
Address: Land Adjacent to Hillcrest Awliscombe
Proposal; Outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved)
Start Date: 12 March 2025
Procedure: Written reps.
Questionnaire Due Date: 19 March 2025
Statement Due Date: 16 April 2025

App.No: 24/2042/FUL
Appeal Ref: APP/U1105/D/25/3362268
Appellant: Mr & Mrs Peter Leeming
Address: Homedale Cowley Exeter EX5 5EL
Proposal; Construction of single garage with alteration to fenestration on existing garage
Start Date: 20 March 2025
Procedure: Householder
Questionnaire Due Date: 27 March 2025

App.No: 23/F0111
Appeal Ref: APP/U1105/C/25/3361991
Appellant: Mr Robert Hobson
Address: Land at Broad Down, north of Wiscombe Linhay Farm, Southleigh, Colyton EX24 6JF
Proposal; Appeal against an enforcement notice served in respect of siting and storage of non-agricultural items on the land including a static caravan, shipping containers, a porta cabin, a storage/toilet block and a commercial vehicle.
Start Date: 25 March 2025
Procedure: Written reps.
Questionnaire Due Date: 8 April 2025
Statement Due Date: 6 May 2025

App.No: 24/1832/FUL
Appeal Ref: APP/U1105/W/25/3363078
Appellant: Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal; Replacement of existing single family dwelling and creation of 4 no. apartments.
Start Date: 2 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 April 2025
Statement Due Date: 7 May 2025

App.No: 24/2661/FUL
Appeal Ref: APP/U1105/W/25/3363293
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal; Terraced landscaping to rear garden
Start Date: 2 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 April 2025
Statement Due Date: 7 May 2025

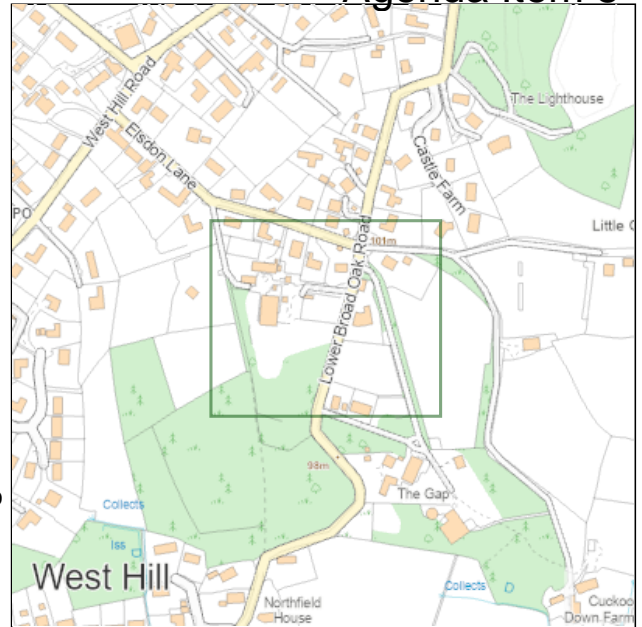
Ward West Hill And Aylesbeare

Reference 25/0173/PIP

Applicant Mr G Moore

Location Elsdon House Elsdon West Hill

Proposal Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings



RECOMMENDATION: Grant of Permission in Principle



		Committee Date: 22.04.2025
West Hill And Aylesbeare (West Hill)	25/0173/PIP	Target Date: 17.03.2025
Applicant:	Mr G Moore	
Location:	Elsdon House Elsdon	
Proposal:	Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings	

RECOMMENDATION: Grant of Permission-in Principle

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Parish Council.

The application site is located on the eastern edge of West Hill, on a corner plot located between Elsdon House and Lower Broad Oak Road. The site sits to the east of Eldson House, a substantial two storey house. Whilst Eldson House is inside the Built Up Area Boundary (BuAB) of West Hill, the application site is not.

The application is a 'Permission in Principal' which is a two stage process. At this stage the relevant considerations are limited to an assessment of the land use, the location and the amount of development proposed. All other matters are reserved for consideration at the second 'Technical Details Consideration' Stage.

The proposal involves the creation of two new build dwellings on a parcel of land to the east of Eldson House. The houses would be accessed off a private drive off Lower Broad Oak Road.

The application is identical to the previous 23/2535/PIP application, which was appealed for non-determination. The appeal was dismissed on the grounds that the proposal would be in the countryside and would not be explicitly permitted by policies within the development plan. In the course of the appeal the Inspector concluded that the site would promote sustainable modes of travel and minimise the need to travel by car, and also stated that two dwellings could be accommodated on the site without adversely affecting the low density residential and sylvan character of the locality.

Subsequent to that appeal, December's update to the NPPF means that EDDC no longer has a five year housing land supply and the tilted balance in favour of sustainable development applies. As such, permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Given the previous appeal history of the site, there are no demonstrable adverse impacts of the proposal to be weighed against the benefit of a small increase in housing.

On this basis, it is considered that Permission in Principle should be granted.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

My objection is due to the site being outside the built-up area boundary and is therefore in the countryside and also outside the West Hill Settlement Boundary included in the East Devon Local Plan 2020-2042 currently undergoing Regulation 19 consultation.

Strategy 7 of the East Devon local plan does not permit development in the countryside unless there is a policy that explicitly permits such development. That is not the case in this instance and therefore the proposal is contrary to the plan.

I also object because it is excessive and represents cramming.

Parish/Town Council

This application was considered at the West Hill Parish Council meeting on 19th February 2025.

Councillors noted that the application is essentially a resubmission of a previous application 23/2535/PIP which was rejected in appeal APP/U1105/W/24/3338889. Indeed, many of the documents provided by the applicant are dated 2023. It therefore appears to be, in effect, an appeal against a previous appeal.

Strangely, the information provided by EDDC on the Planning Portal for this application is mis-leading as the Property History omits any reference to the previous PIP application 23/2535/PIP or the Planning Inspectorate decision to dismiss the appeal.

As a PIP application the consideration must be limited to consideration of location, land use and amount of development.

Our previous comments continue to apply:

1. Location: The critical matter in this application is location as the proposed site is:

- o outside the built-up area boundary and is therefore in the countryside.
- o outside the West Hill Settlement Boundary included in the East Devon Local Plan 2020-2042 currently undergoing Regulation 19 consultation.

Strategy 7 of the East Devon local plan does not permit development in the countryside unless there is a policy that explicitly permits such development. That is not the case in this instance and therefore the proposal is contrary to the plan.

The application site was part of a larger site submitted to EDDC for consideration under their call for sites in 2021 (West 16). The site was rejected.

This site is within 10km of the pebbled heath special area of conservation. Conditions and obligations cannot be secured against a permission in principle application and therefore this proposal cannot be mitigated against and will have a significant and unacceptable impact.

2. Land Use: no comments

3. Amount of development

Two dwellings would appear crammed on the site and out of keeping with surrounding dwellings which are on large plots and well spaced out.

In the period since the 2024 application there has been a material change to the NPPF Housing Targets and East Devon Housing Land Supply figure. At 2.97years, this fails to meet the target of 4.5/5 years and the Titled Balance in favour of sustainable development is engaged. However, the Parish Council considers that the breach of Strategy 7 of the local plan is a significant matter and generates the risk of undermining the principle of a BUAB and setting a precedent and opening up similar applications outside the BUAB.

The Planning Statement supporting the application states that the small number of dwellings will not adversely impact on the amenity of the village and will make a small economic contribution to the village. There may well be some modest benefits from the development of the two dwellings but the breach of Strategy 7 of the local plan is a significant matter and generates the risk of setting a precedent and opening up similar applications outside the built-up area boundary. There is either an approved plan or there isn't and if there is we should all stick to it. WHPC therefore considers that the modest potential benefits of the proposal are heavily outweighed by the significant risks associated with breaching Strategy 7.

WHPC therefore objects to this application.

Technical Consultations

South West Water

No details provided (Would be dealt with a Technical Details Stage).

EDDC Trees

No objection.

Other Representations

One third party representation has been received, in objection to the proposal. A summary of grounds for objection are as follows:

- There is no material difference between this application and the previous application (23/2535/PIP) which was refused by the Planning Authority and the subsequent appeal dismissed by the Planning Inspector. There is no mention of the previous application, or of the appeal decision, in the Property History section. This should be corrected.

PLANNING HISTORY

Reference	Description	Decision	Date
78/C1915	Use of Part of House For Small Private School	Approval with conditions	30.01.1979
85/P2053	Siting Of Caravan	Temporary Approval	02.01.1986
96/T0017	Silvicultural Thinning Of Various Trees	Approval - standard time limit	24.04.1996
97/T0049	Various Trees To Be Lopped & Felled	Approval with conditions	20.11.1997
24/2377/TRE	Silvicultural thinning of various mixed conifers.	Withdrawn	25.11.2024
23/2535/PIP	Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings	Not determined	
APP/U1105/W/24/33 38889	Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings	Dismissed	28.08.2024

24/2377/TRE	Silvicultural thinning of various mixed conifers.	Withdrawn	25.11.2024
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted

EN21 (River and Coastal Flooding) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP3: Infill, Backland and Residential Garden Development

Policy NP4: Settlement Containment

Policy NP26: West Hill Design

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The site is located on the eastern edge of West Hill, on a corner plot located between Elsdon House and Lower Broad Oak Road.

The site sits to the east of Elsdon House, a substantial two storey house. Whilst Elsdon House is inside the Built Up Area Boundary (BuAB) of West Hill, the application site is not. The site is accessed via a private drive to the north of the site which comes off Lower Broad Oak Road.

The site has mature hedge boundaries to the north, east and west of the site and also contains a number of significant trees. The site is surrounded by residential dwellings to the east, north and west and by significant woodland to the east and south, which is all protected under tree preservation orders.

For purposes of clarification the previous 23/2535/PIP application was not refused but an appeal for non-determination was lodged by the applicant, which was subsequently dismissed.

Proposed Development

Permission in principle is sought for two dwellings on the site. The illustrative site plan indicates the site being split into two plots, each containing a detached dwelling and garage. The dwellings would be accessed off the private drive to the north of the site.

The application is the same as that submitted under application 23/2535/PIP. This was dismissed at appeal on the grounds that the proposal would be in the countryside and would not be explicitly permitted by policies within the development plan. As such it was contrary to the development plan. This was the only reason for dismissing the application.

It is necessary to assess if there has been a material change of circumstance since the appeal was dismissed. The main change is that, when the appeal was determined, the NPPF set out that if EDDC had a 4 year housing land supply the tilted balance in favour of sustainable development need not be applied. At that time EDDC had a 4.5 year supply. The NPPF has since been revised, reverting to the usual requirement to demonstrate a 5 year housing land supply; this is a material change in circumstance as is discussed in more detail below.

Procedure

The permission in principle (PiP) process was introduced through the Town and County Planning (Permission in Principle) Order 2017. It provides an alternative means of obtaining planning permission for housing-led development. It is a two stage process; the first being the permission in principle stage and the second technical details consent (TDC) stage. The PiP route can only be used for housing led development and cannot be used for major development.

Planning obligations cannot be secured at the permission in principle stage.

Considerations and assessment

At PiP stage the relevant considerations are limited to assessment of the land use, location and amount of development proposed with other matters reserved for consideration at TDC stage.

Land Use

The site lies just outside of the Built -up Area Boundary of West Hill. In planning policy terms this places the site within the countryside and the provisions of Strategy 7 therefore apply. This strategy states that development outside BuABs will only be permitted if it is in accordance with a specific local or neighbourhood plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities.

However, the application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, EDDC's housing land supply position now stands at 2.97 years.

As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

The NPPF at Paragraph 14 states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

The Ottery St Mary and West Hill Neighbourhood Plan was 'made' on 21st July 2018 and thus became part of the development plan over five years prior to the decision being made on this application. The Neighbourhood Plan does not contain any specific policies or allocations in respect of the housing requirement.

The application site is surrounded by residential development to the east, north and west, and the proposed two dwellings could be accommodated on the site without

adversely affecting the low density residential and sylvan character of the area. The proposal would not harm the amenity and environmental qualities of the landscape. In strategic policy terms therefore, given the application of the tilted balance, the proposed use of the land for housing would be acceptable from the perspective of land use.

Location

In relation to location a number of factors need to be considered in this case: accessibility, landscape impacts, the impacts to the setting of the nearby listed buildings and the flood risk.

Accessibility

West Hill contains a modest number of services and facilities including a shop, village hall, and primary school, approximately 750 metres away by road. There are also public transport links from the village centre also approximately 700 metres from the site by road. The first 300 metres of the route to the village centre would be along Elsdon Lane, which has neither pavements or lighting, however the levels of traffic are low, and vehicle speeds are slow through the village. The remainder of the route to facilities and public transport links has both pavements and lighting. As such, village facilities would lie within a reasonable distance to be accessible by either walking or cycling. The village is also served by a reasonable bus service operating between Exeter and Ottery St Mary. The proposal would therefore be accessible on foot, by bicycle and by public transport and would minimise the reliance on private car.

In addition, in the previous appeal at the site, the inspector concluded that the proposal would accord with Strategy GB and Policy TC2 of the Local plan in that the location would promote sustainable modes of travel and minimise the need to travel by car.

Given the above, the site is therefore is considered to be sustainably located.

Landscape impacts

EDDC's tree officer has stated there are no objections to the proposal as long as development is based on sound arboricultural principles. Any proposal coming forward could lead to shading of the residential gardens and pressure for pruning or removal of the trees, however the site is sufficiently large such that it is considered that two dwellings could be accommodated on the site without any adverse impacts to the sylvan character of the area. The size of the proposed plots would be commensurate with those which lie around the site, and the site is well screened by the existing trees and hedges which would limit the visual impact of the development. The grant of PIP does not commit the Council to the subsequent acceptance of a detailed scheme if, having regard to all material considerations at the later stage, it is considered unacceptable.

As such it is not considered the proposal would harm the amenity and environmental qualities of the landscape.

Flood risk

The application site is not in within Flood Zone 2 or 3 therefore there are no concerns in respect of flooding.

Heritage

There are no listed buildings near the application site that could be affected as a result of the proposal.

Amount of Development

The illustrative site plan demonstrates that the site would be capable of accommodating the proposed two dwellings with ample separation distances between the proposed dwellings and the existing dwellings to the east north and west of the site. It is therefore considered that the proposal would not lead to any adverse impacts to the residential amenity of any of the nearby existing dwellings or to that of future residents of the proposed dwellings.

Habitat Regulations Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured by way of the submission of an undertaking under section 111 of the Local Government Act. It is accepted that this does not take the form of a planning obligation and can therefore be accepted as a means of securing the requisite financial contribution. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Other matters

Considerations in respect of the potential impacts to habitats which would arise as a result of the scheme have not been considered during the principle stage but would be considered under the Technical Details Consent Stage.

In light of the comments from the tree officer regarding the felling of the Copper Beech tree along the western boundary of the site, any subsequent baseline calculation undertaken at Technical Details Consent stage would be required to consider the habitat values of the site prior to the clearance of the tree.

The PPG states that it is not possible for conditions be attached to a grant of PIP and also that its terms may only include the site location and the type and amount of development. It also states that these must be specified, advising that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted. The PPG also

advises that the default duration of a PIP, where granted by application, is 3 years. Any subsequent application for TDC must be determined within this time period.

Conclusion

The proposal is considered to be acceptable in terms of the proposed land use, the sustainability of the location and the amount of development proposed. Although outside of the Built up Area Boundary, In light of the 'tilted balance' that applies in respect of the presumption in favour of sustainable development, there are no demonstrable adverse impacts of the proposal to be weighed against the benefit of a small increase in housing, therefore permission should be granted.

RECOMMENDATION

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That Permission in Principle be granted.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Community Infrastructure Levy (CIL) - Where CIL liable development is approved in permission in principle, the liability to pay CIL arises at the time of commencement of development following the grant of Technical Details Consent.

The applicant is advised that an application for approval of Technical Details Consent must be made and determined not later than the expiration of three years beginning with the date of this permission.

Plans relating to this application:

50-LPC-301A	Location Plan	05.02.25
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List of Background Papers

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

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

www.southwestwater.co.uk/building-and-development/services/pre-development-services

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Yours sincerely
The Pre-Development Team

EDDC Trees

As per the previous application, in principle I have no objection to the proposal as long as development is based on sound arboricultural principles. The main tree constraints have been identified by the supporting arboricultural information as being located along the southern boundary. These are large trees and the main issues are likely to be shading, feeling of dominance, leaf fall, concern over safety etc. Therefore good clearance between the trees and dwelling will be essential to ensure a sustainable juxtaposition to ensure that there is no pressure to prune or remove the trees.

It should be noted that from satellite images it does appear that a Copper Beech located along the western boundary has been removed; it is likely that this tree would have been a significant constraint in particular for the location of plot one.

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.

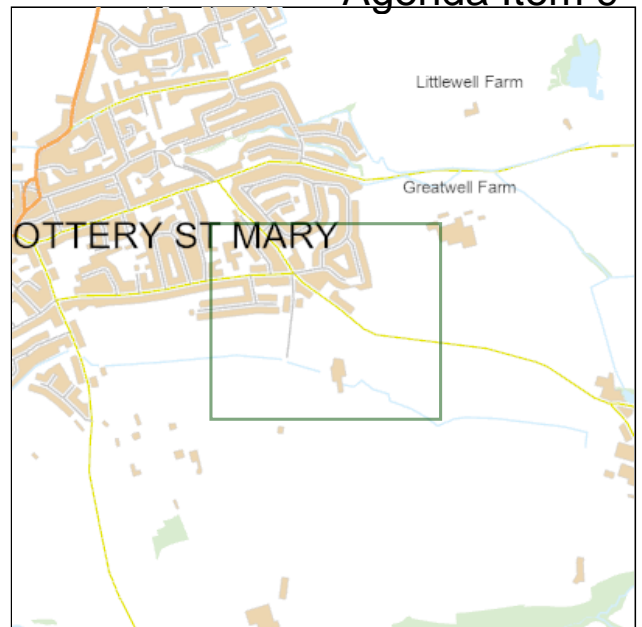
Ward Ottery St Mary

Reference 24/2515/PIP

Applicant Mr Simon Wagemakers (Ambergate Planning & Development)

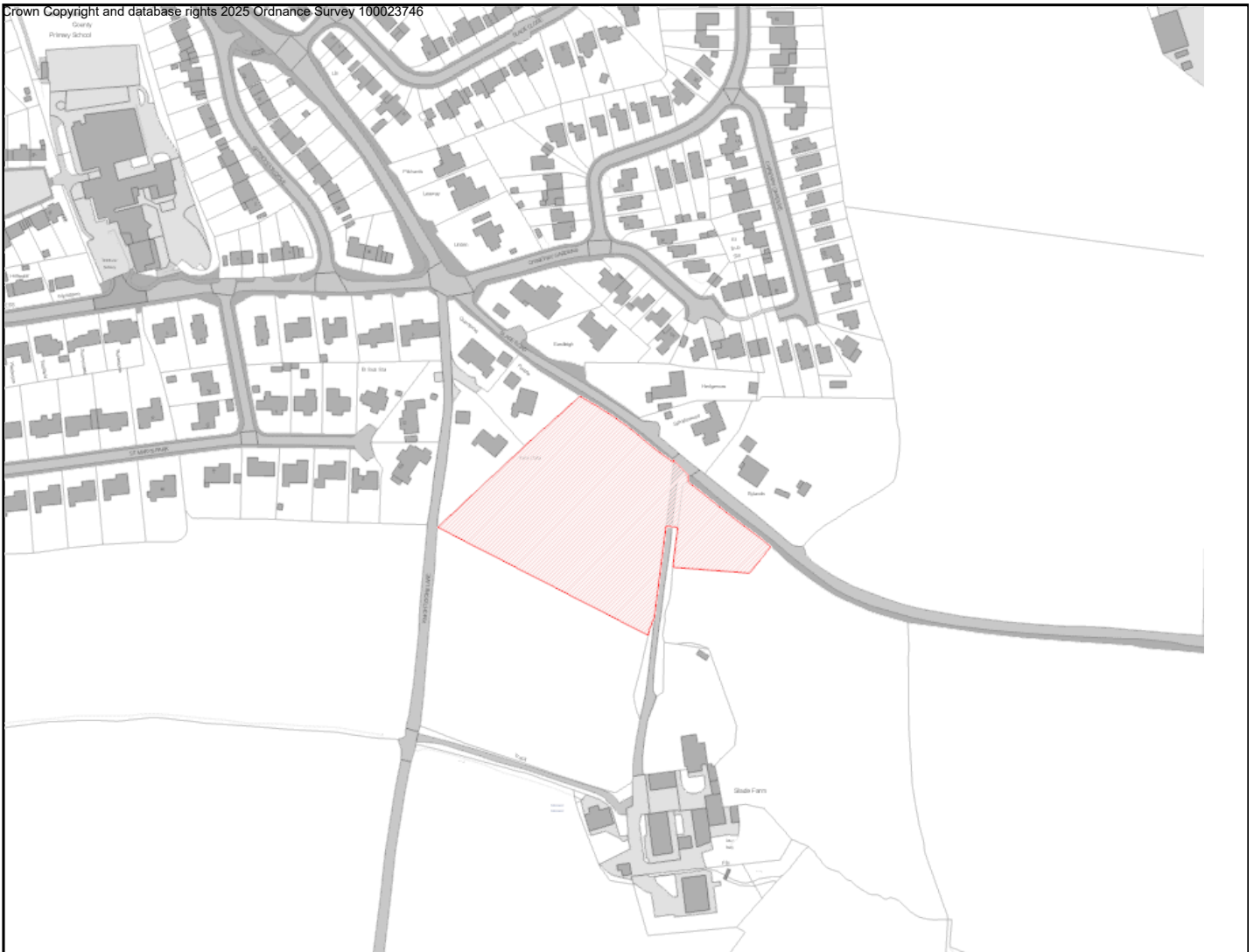
Location Land At Slade Farm Slade Road Ottery St Mary

Proposal Permission in principle for residential development of up to 9 dwellings



RECOMMENDATION: That Permission in Principle be granted

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		Committee Date: 22.04.2025
Ottery St Mary (Ottery St Mary)	24/2515/PIP	Target Date: 23.01.2025
Applicant:	Mr Simon Wagemakers (Ambergate Planning & Development)	
Location:	Land At Slade Farm Slade Road	
Proposal:	Permission in principle for residential development of up to 9 dwellings	

RECOMMENDATION: That Permission in Principle be granted

EXECUTIVE SUMMARY

This matter is brought before the Planning Committee owing to a difference of opinion between the commenting ward members and officers.

The application seeks Permission in Principle (PiP) for the development of up to 9 dwellings on two parcels of land, comprising the northern parts of two large fields extending to around 0.95 hectares in total, on the southern side of Slade Road on the south eastern edge of the built-up area of Ottery St. Mary. The site is located just outside of the Built-up Area Boundary (BuAB) as defined in the adopted Local Plan.

PiP applications are an alternative means of obtaining planning permission for housing-led development. They involve a two stage process, the first being the PiP stage and the second the technical details consent (TDC) stage. The PiP route can only be used for housing-led development and cannot be used for major development (i.e. proposals for 10 or more dwellings).

At the PiP stage the relevant considerations are limited to assessment of the location, land use and amount of development proposed, with other matters reserved for consideration at TDC stage.

Given that the proposal in this case relates to a scheme for less than 10 dwellings, the only matter for consideration relates to the location of the application site.

The submission in this case follows a 2015 outline application involving the development of up to 52 dwellings on the entirety of both fields. This was refused by the Council, principally on grounds relating to conflict with policy (outside of the BuAB of the town), detrimental impact upon landscape character

and appearance, loss of best and most versatile (BMV) agricultural land and the poor accessibility of the site in relation to services and facilities within the town.

Although a subsequent appeal against this decision was dismissed in 2016, this was mainly on the basis of the first two of these issues. The then recently adopted Local Plan and the five year housing land supply demonstrated by the Council, taken together with the 'prominent projection' into the open countryside that the development was perceived to represent, were considered to weigh against the scheme.

However, the Council's objections regarding the non-sustainable location of the site were not supported whilst the loss of BMV agricultural land was not of itself found to be significant. However, the conflict with Local Plan policy in this regard was upheld on account of the housing land supply position and therefore the lack of an overriding need for the development.

In the present context, the Council is not able to demonstrate the five year supply of available housing land required by the current National Planning Policy Framework (NPPF). Unlike the situation in 2015/16 therefore, the 'tilted balance' presumption in favour of sustainable development is engaged. As such, permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.

In the absence of any such policies in this case and given the balance of the previous appeal Inspector's findings alongside the absence of any other material change in circumstances during the past nine years since the previous application and appeal, it is considered that the principal matter for consideration is the impact of the current proposal upon the character and appearance of the area.

In this regard, owing to the appreciable reduction in the site area, it is not considered that the degree of incursion into the landscape that would result from the construction of up to nine dwellings would be as significant as that of the previous appeal scheme. It is thought that the development would represent, both spatially and visually, more of a rounding off of the built form of this part of the edge of the town and less of a projection into the surrounding open countryside.

Both fields have, in their entirety, previously been discounted as a housing allocation during the search for sites as part of the local plan process such that they are not included in the current 'Regulation 19' draft of the emerging document. However, having regard to the very limited weight that can be given to the Plan at this stage, the much reduced site area now proposed and the issues set out above, not least the need to boost housing land supply, it is thought that a grant of permission in this case would be warranted.

Having regard to the overall balance of these factors therefore, it is recommended that PiP should be granted.

CONSULTATIONS

Local Consultations

Clerk To Ottery St Mary Town Council

The Town Council do not support this application based on the following;

The site is located in open countryside beyond the built-up area and would cause harm to the landscape and character of the area.

The land is grade 2 and 3 which is the most valued land. Policy EN13 of the Local Plan sets out that the best and most versatile land will be protected from development that is not associated with agricultural or forestry. The policy continues to identify that development affecting such land will only be granted exceptionally where there is an overriding need. No such need has been demonstrated.

EDDC Strategic Planning Officers report 23/09/24 states that this land is not recommended for allocation because the site is a greenfield site which would extend into the open countryside. Development would be visible from a considerable distance.

Referring to the Inspectors letter, as mentioned in the application, it states that it is evident that you are exiting the settlement and proceeding into open countryside.

Ottery St Mary - Cllr Vicky Johns

This application falls within my Ward and I strongly object to this application on the following grounds;

This application is a revision of a previous proposal, which was rejected by the Planning Committee in 2015, and subsequently dismissed on appeal. I note that the planning statement refers to the application site being 'accepted as being in a sustainable location'. I would however disagree with this statement due to the actual 'path' to the site being unusually during either wet weather or in the dark. The planning inspectorate, who viewed, the site stated lighting would be inappropriate due to the nature of being in the countryside. It also suggests that, as the number of proposed dwellings is for a smaller number of homes, there would be a lesser impact than the previous proposal, this does feel like a way of gaining planning using the PIP system of under 10 houses but on a site where a lot more houses could be placed in the future, my understanding is that is now what PIP applications should be used for.

A number of factors for refusal of this application have been identified by residents of Ottery St Mary, such as the potential for environmental harm or the precedent this a decision in principle would set. I share resident's concerns detailed on the planning portal.

The majority of the land is either Grade 2 or Grade 3 agricultural land, which should not be used for planning on unless there are exceptional circumstances which in this particular case there isn't. Using the emerging local plan and the possible lack of

housing is an untasteful way to push development and is also not correct. The local plan is, about to begin the Regulation 19 consultation stage and has identified suitable land to meet Ottery's housing needs and so this site is not necessary, in fact this particular site was put forward and has been rejected by the Strategic planning committee at East Devon.

The loss of green space and its potential effects on local biodiversity are also significant concerns. The site may provide a habitat for local wildlife, and if the application were to be approved, I would like to be reassured by the developer that any harms would be suitably mitigated against. Furthermore, as this application has no technical detail, any future application would need to include a clear proposal for how the development would manage surface water run off and issues with flooding and sewerage in the area.

The site also lies outside of the Built-Up Area Boundary for Ottery St Mary, which the application itself confirms. As an application for permission in principle for the development of land, I would be deeply concerned that a precedent would be set that this land is suitable for development and the proposed 9 dwellings may potentially increase when it comes to a Stage 2 planning application.

Other than the reduced number of proposed dwellings, I can see no significant material change to the previously rejected planning application from 2015. I appreciate any technical detail would have to be dealt with via an outline application, however, applications at this site have been rejected and dismissed already. I cannot see how the applicants could mitigate the concerns raised previously.

I strongly object to this planning in principal as there remain significant concerns around the suitability of this site for development including the lack of valuable agricultural land. It is my view, based on these concerns, that this application should be refused.

Ottery St Mary - Cllr Bethany Collins

This application falls within my ward, and it is my view, based on the current information available, that the application should be refused.

I understand that this application is a revision of a previous proposal, which was rejected by the Planning Committee in 2015, and subsequently dismissed on appeal. I note that the planning statement refers to the application site being 'accepted as being in a sustainable location'. It also suggests that, as the number of proposed dwellings is for a smaller number of homes, there would be a lesser impact than the previous proposal.

A number of factors for refusal of this application have been identified by residents of Ottery St Mary, such as the potential for environmental harm or the precedent this a decision in principle would set. I share resident's concerns detailed on the planning portal.

The majority of the land is either Grade 2 or Grade 3 agricultural land. The emerging local plan, about to begin Regulation 19 consultation stage, has identified suitable land to meet Ottery's housing needs and so this site is not necessary.

The loss of green space and its potential effects on local biodiversity are also significant concerns. The site may provide a habitat for local wildlife, and if the application were to be approved, I would like to be reassured by the developer that any harms would be suitably mitigated against. Furthermore, as this application has no technical detail, any future application would need to include a clear proposal for how the development would manage surface water run off and issues with flooding and sewerage in the area.

The site also lies outside of the Built-Up Area Boundary for Ottery St Mary, which the application itself confirms. As an application for permission in principle for the development of land, I would be deeply concerned that a precedent would be set that this land is suitable for development and the proposed 9 dwellings may potentially increase when it comes to a Stage 2 planning application.

Other than the reduced number of proposed dwellings, I can see no significant material change to the previously rejected planning application from 2015. I appreciate any technical detail would have to be dealt with via an outline application, however, applications at this site have been rejected and dismissed already. I cannot see how the applicants could mitigate the concerns raised previously.

In summary, there remain significant concerns around the suitability of this site for development. It is my view, based on these concerns, that this application should be refused.

Devon County Councillor (Otter Valley) - Cllr Jess Bailey

I wish to register my objection to this planning application as the Devon County Councillor for the Otter Valley. As the Devon County Councillor I will principally focus on matters which fall within the remit of DCC.

I note that this is a Permission in Principle application and relevant considerations are limited to an assessment of the location, land use and amount of development proposed with other matters reserved for consideration at Technical Detail Consent stage.

This site has been repeatedly put forward for development both through submission in response to various Calls for Sites (as part of the Local Plan process) and also by way of planning application.

In the 2019 HELAA assessment for the Greater Exeter Strategic Plan (GESP) the access to Ottery St Mary from the proposed site was described as follows:

"Current access is via Slade Road which is a narrow lane not suitable for accommodating additional development and associated movements. In addition to this, access into and through the town is constrained by narrow roads and a single route through the town centre. Further investigation may be required as to whether more significant highways improvements (bypass/distributor road) are necessary. Development of the site has the potential to impact on Junction 29 of the M5, which suffers from congestion at peak periods". It goes on to say: "Pedestrian/cycle movement into Ottery St

Mary from this location is poor and would need to be greatly improved. However, the width of roads on this side of town would make it very difficult to achieve safe pedestrian access".

I agree with these comments and therefore object on the grounds of road safety particularly for pedestrians. I am particularly concerned about pedestrian safety in this vicinity due to the proximity of the primary school.

The comments (set out above) during the GESP process were then re iterated by Eddc planning officers in their assessment of the site for the Eddc Strategic Planning Committee on 23rd September 2024.

The site was not recommended for allocation by Eddc officers because the "Site is a greenfield site which would extend into open countryside. Development would be visible from a considerable distance. Concerns regarding insufficient highway capacity."

It would be totally contradictory, given the highways and other concerns, for Eddc now to approve this Permission in Principal application.

DCC is the Leading Local Flood Authority and I must also flag concerns in this respect that were included in the GESP HELAA. The following comments were made:

"Flooding: In addition to the area within floodzone 3, a very small area of the south-western corner of the site (0.01ha) is within floodzone 2. Land within Flood Zone 2. Land in floodzone 2 has a medium probability of experiencing fluvial flooding and only has the potential to be developed for residential or economic use if the sequential and exceptions tests set out in the NPPG are adhered to. Any planning application must be accompanied by a Flood Risk Assessment. The site is close to areas of surface water flood risk which run along Slade Road. Any development must be accompanied by a suitable drainage strategy to deal with existing surface water flows through the site and any potential increase in surface runoff".

I therefore also object on the basis of flood risk concerns.

In addition to road safety and flood risk concerns, I am concerned about the lack of mitigation given the site is within 10km of the Pebblebed Heaths. Without a mechanism to secure mitigation to make the application acceptable, the proposal is in conflict with the Conservation of Habitats and Species Regulations 2017.

For all these reasons, I am strongly of the view this application should be REFUSED.

Technical Consultations

DCC Historic Environment Officer

I refer to the above application and your recent consultation. The Historic Environment Team has no in principle objection to the development of the area under consideration. However, while no heritage assets are recorded in the County

Historic Environment Record within the application site, the proposed development lies in a landscape known to contain prehistoric activity and there is the potential for the site to contain previously unrecorded archaeological deposits associated with the known prehistoric activity in the surrounding landscape. Archaeological works to the north in advance of a housing development revealed the presence of an important previously unknown Neolithic site dated to around 3,500BC, the presence of which could not have been determined in advance of intrusive archaeological investigations. As such, any development here has potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in the local area.

I would therefore advise, should consent be granted for this permission in principle that, any subsequent application for grant of technical details consent should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the potential loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted with any subsequent application for grant of technical details consent the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation.'

The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage that the programme of work for this scheme taking the form of the archaeological control and supervision of topsoil stripping and ground reduction across the area(s) affected by the proposed development to the depth at which the supervising archaeologist establishes either (i) archaeological deposits and/or features are present (to allow for their identification, investigation and recording of these and any associated artefacts) or (ii) undisturbed natural ground is exposed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The exact scope and nature of the archaeological work would depend upon the detail of the development proposed. The Historic Environment Team can provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Other Representations

A total of 180 representations have been received, including a representation on behalf of the CPRE.

Summary of Grounds of Objection

1. No change in circumstances since previous application 15/1663/MOUT was refused and dismissed at appeal.
2. Precedent for further dwellings on the land which could be argued on the basis of a grant of permission.
3. Site rejected for development by Strategic Planning Committee in Sep. 2024.
4. Many other sites selected as being more appropriate for development.
5. Need for more housing development under the emerging Local Plan met by sites already allocated.
6. Development of high grade (2 and 3) agricultural farm land.
7. Slade Road is a narrow, unlit, single track road adjacent to the site that is already busy with horse riders, cyclists, tractors, dog walkers and hikers and is unsuitable and unsafe for more traffic.
8. Local infrastructure (roads, public transport, school, medical services) is oversubscribed and insufficient to cope with dwellings on the site when added to other sites allocated for development.

9. Formation of entrances into site off Slade Road would damage hedgerow that is a valuable habitat for wildlife.
10. More development on greenfield sites will add more surface water runoff during future extreme wet weather.
11. Lack of footpaths and street lighting, creating increased safety hazards for pedestrians and road users.
12. Site is in close proximity to the AONB and will be visible from East Hill to the visual detriment of the landscape.
13. Development outside of the town's Built-up Area Boundary and therefore contrary to Local Plan and Neighbourhood Plan.
14. The town has already contributed to the resolution of the housing crisis by building more than the target set for housing in the current Local Plan up to 2031.
15. Other local issues need resolving before new houses should be built; if not, problems with waiting for health appointments and education will only worsen; increase in population reliant on services with no increased service provision.
16. Increased noise and light pollution in the countryside.
17. Will exacerbate existing traffic problems and congestion along Longdogs Lane, Chineway Gardens and Slade Road.
18. Appears to be an attempt to circumvent a refusal to allow a previous application for a much larger number of houses.
19. Potential impact on Pebblebed Heaths Special Area of Conservation.
20. Sustainable disposal of surface water has not been demonstrated and is unlikely to be possible.
21. Projection into the countryside which that result in an unacceptable intrusion going against the landscape character assessment of the area as Lowland Plains.
22. Distance from local services and facilities means cars would be required for journeys causing more traffic on already congested roads.
23. Water and sewerage systems unable to cope with any population or demand increase.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1663/MOUT	Outline planning application for the construction of up to 52no dwellings incorporating age restricted open market and affordable dwellings together with associated infrastructure (all matters reserved except for access)	Refusal	24.11.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 24 (Development at Ottery St Mary)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN13 (Development on High Quality Agricultural Land)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy)

Strategic Policy SP06 (Development beyond Settlement Boundaries)

Strategic Policy SD04 (Ottery St Mary and its development allocations)

Strategic Policy AR01 (Flooding)

Strategic Policy DS01 (Design and local distinctiveness)

Policy DS02 (Housing density and efficient use of land)

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)

Strategic Policy OL01 (Landscape features)

Policy OL10 (Development on high quality agricultural land)

Strategic Policy PB04 (Habitats Regulations Assessment)

Policy PB07 (Ecological enhancement and biodiversity in the built environment)

Policy PB08 (Tree, hedges and woodland on development sites)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP1 (Development in the Countryside)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site comprises two parcels of land at Slade Farm, Ottery St. Mary that together total around 0.95 hectares in area. Currently parts of separate fields laid to pasture, they are located to either side of a private driveway extending south off Slade Road that serves the farm and two other residential properties.

The larger land parcel, extending to around 0.8 hectares, occupies the more elevated northern part of a field to the west of the driveway that falls gently from north to south and from east to west. Its north western boundary is contiguous with that of the rear gardens of a pair of detached residential properties, Twin Oaks and Pendle, that are accessed off Knightstone Lane, an unmade track of single vehicle width that is also a public bridleway. Its northern boundary comprises a hedged frontage onto Slade Road whilst the boundary with the driveway itself is defined by a post and wire fence. The remaining, south western boundary does not follow any physical feature 'on the ground'.

The smaller parcel, to the east of the driveway, comprises a more level portion of land that also features a hedged frontage with Slade Road to the north. However, its boundary with the shared driveway serving Slade Farm is defined by an established hedge with trees. Its two remaining boundaries, with the remainder of the field, are open and undefined.

The site is located just outside of the Built-up Area (BuAB) of Ottery St. Mary as defined in the adopted Local Plan. Although neither the site nor the surrounding area are the subject of any landscape designations, they occupy land that is classified as Grade 2 and 3a agricultural land under the Agricultural Land Classification and therefore forms part of areas of best and most versatile (BMV) agricultural land.

Proposed Development

This application seeks permission in principle (PiP) for residential development of the site comprising up to 9 houses.

Given the nature of the application in this case (see Procedure section below), only the principle of the development in relation to the location of the application site is to be considered.

Background

The current submission represents a renewed attempt to seek permission for residential development following on from an outline application made in 2015 (15/1663/MOUT refers) for up to 52 dwellings on a larger site comprising the entirety of both field areas.

This application, which also sought approval of details of access but reserved the details relating to the layout and landscaping of the site and the appearance and scale of the development, was refused by the Council for the following reasons:

1. The site is located within the open countryside beyond the built form of Ottery St Mary where development must be strictly controlled to protect the countryside. Whilst recognising that such development would therefore be contrary to the development plan the proposal is in any event not considered to represent sustainable development due to the cumulative effects arising from the

- harm to the landscape and character of the area and in particular views from the surrounding road network and the setting, views and character of the Bridleway known as Knightstone Lane

- the loss of agricultural land classified as Grade 2 and 3 and therefore best and most versatile land; and

- the sites poor accessibility for pedestrians arising from both the walking distance to the town centre and the facilities it offers, and the quality and nature of the walk along Knightstone Lane as the only potentially suitable pedestrian route to the development which has the potential to be narrow dark and unattractive at certain times of the day/year and therefore contrary to the principles of Secured by Design .

Together it is considered that these issues outweigh the social and economic benefits that would arise from the development and as such it is considered that the proposal conflicts with the overarching objective to achieve sustainable patterns of land use contained within the National Planning Policy Framework. The proposal is therefore considered to be contrary to guidance contained within the National Planning Policy Framework and its accompanying guidance in the PPG, Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), TA1 (Accessibility of New Development) and TA4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan and Strategies 7 (Development in the Countryside), 37 (Community Safety) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies TC2 (Accessibility of New Development) TC4 (Footpaths, Bridleways and Cycleways) and D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan

2. No mechanism has been submitted to secure a contribution towards measures to mitigate the effects of recreational use of the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area by residents of the proposed development. Without such a mechanism and with no information submitted to facilitate the making of an Appropriate Assessment, the proposal is considered to conflict with the Conservation of Habitats and Species Regulations 2010. In addition the proposal is considered to be contrary to guidance in the National Planning Policy Framework and to Policies S7 (Infrastructure Related to New Development) and EN4

(Nationally Important Sites - including Sites of Special Scientific Interest) of the adopted East Devon Local Plan and Strategies 47 (Nature Conservation and Geology) and 50 (Infrastructure Delivery) of the emerging New East Devon Local Plan.

3. No mechanism has been submitted to secure necessary affordable homes and contributions towards education and public open space needs that would arise as a result of the proposed development. In the absence of such a mechanism, it is considered that the development would have an unreasonable and unaddressed impact on this infrastructure contrary to guidance in the National Planning Policy Framework and Policies S7 (Infrastructure Related to New Development), H4 (Affordable Housing) and RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan and Strategy 50 (Infrastructure Delivery) of the emerging New East Devon Local Plan.

A subsequent appeal against the Council's decision was dismissed in May 2016. The appeal Inspector's findings are discussed in the next sections of the report.

Procedure

The permission in principle (PiP) process was introduced through the Town and Country Planning (Permission in Principle) Order 2017. It provides an alternative means of obtaining planning permission for housing-led development. It is a two stage process, the first being the PiP stage and the second the technical details consent (TDC) stage. The PiP route can only be used for housing-led development and cannot be used for major development (i.e. proposals for 10 or more dwellings).

Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations are met.

In this case the application site is not considered to be 'brownfield land' and as such is not listed on the Local Planning Authority's register. The applicant must therefore undergo the two stage process set out above.

At the PiP stage the relevant considerations are limited to assessment of the location, land use and amount of development proposed, with other matters reserved for consideration at TDC stage.

The Government's national Planning Practice Guidance (PPG) advises that planning obligations cannot be secured at the PiP stage.

Considerations/Assessment

The proposed scheme would involve the development of less than 10 dwellings and, as such, satisfies the above eligibility requirements for a PiP application having regard to land use and development amount.

In this case, it is considered that the findings of the previous appeal Inspector, and the weight that should now be given to them in the present circumstances, are integral to the assessment of the proposal.

The Inspector identified the main issues as being:

- Whether the Council could demonstrate a five year housing land supply
- The effect of the proposal on the character and appearance of the area
- Whether the proposal would result in the loss of BMV agricultural land
- Whether the appeal site is sustainably located in relation to access to local services and facilities
- Whether the proposal is required to make provision for 25% or 50% affordable housing

It should be noted that the last of these is not relevant for the purposes of considering an application for PiP but is a matter for consideration at the later TDC stage.

Each of the remaining issues is considered in turn as follows.

Principle of Development/Five Year Housing Land Supply

Strategies 1 (Spatial Strategy for Development in East Devon) and 2 (Scale and Distribution of Residential Development) of the adopted East Devon 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. The latter include Ottery St. Mary, which has a BuAB defined in the Plan, as referenced above.

The proposal would comprise development in the countryside outside of the defined BuAB, thereby conflicting with Local Plan Strategy 7 (Development in the Countryside), the provisions of which only allow for development where it would be in accordance with specific local or neighbourhood plan policy(ies).

Consequently, the site would not provide an appropriate location for the proposed development proposed having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated BuAB.

Given the above, residential development in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed significant weight given that protection of the countryside, preventing sporadic development and ensuring suitable growth, are amongst the main objectives of the local plan.

However, the need for housing over the next five years is a crucial consideration in planning decisions. The National Planning Policy Framework (2024) (NPPF) requires that local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and

inconsistent with the requirements of the NPPF.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict, would not unbalance communities and is within reasonable reach of an appropriate level of services and facilities.

East Devon can currently only demonstrate a housing land supply of 2.97 years in line with the revised standard methodology for calculation introduced via the revised NPPF, thereby falling significantly short of the five-year requirement.

Anticipated housing completions over the next five years suggest continued underperformance against statutory requirements. Projections indicate an accumulating deficit unless swift action is taken to accelerate delivery. Adjustments to policies encouraging smaller and garden land windfall developments may provide incremental supply boosts.

The council must address the housing supply deficit to align with NPPF requirements and support the adoption of the emerging Local Plan by 2026.

The latest Annual Housing Monitoring Report underscored the urgent need for strategic action to enhance housing delivery and mitigate risks associated with supply shortfalls. Proactive planning and policy adjustments are critical to meeting future housing demands and regulatory requirements.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance maintaining a healthy supply of housing means to the Council and its ability to retain control over key planning decisions.

The 2024 NPPF as a material consideration

The NPPF is a material consideration in the determination of planning and related applications. Paragraph 11d) states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - the application of policies in (the) Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear, where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, i.e. a presumption in favour of a grant of permission 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.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

It should be noted that at the time of the determination of the previous appeal against the Council's refusal of the larger housing scheme for the land referred to above that, following on from the adoption of the current Local Plan in January 2016, the Inspector was able to conclude that the Council could demonstrate the requisite five year supply of available housing land. As such, the 'tilted' balance presumption in favour of sustainable development was not engaged with full weight attributed to the Local Plan policies relating to the supply of housing.

The circumstances and balance of that appeal decision are therefore materially different to that of the current application, where the Council is unable to demonstrate a five year housing land supply position.

Impact upon Character and Appearance of Area

On this issue, among the previous appeal Inspector's findings were the following:

"It was clear that when travelling south along the bridleway, once the existing dwellings are passed, there is a distinct sense of remoteness. Given the pattern of development to the west and the lack of development to the east, the appeal site has a strong connection with the open countryside and a noticeable rural context. This

can also be said when travelling along Slade Road, where once the existing dwellings to the north of the appeal site are passed, it is evident that you are exiting the settlement and proceeding into the open countryside."

"The scheme would result in the loss of two open fields and would extend built development significantly beyond that currently existing to the south and east. This would be particularly evident from several locations. Views over the appeal site and particularly its relationship with the open countryside beyond, are gained from the elevated ground to the north, particularly from St Mary's Park and glimpsed views from Longdogs Lane. The proposal would be seen as a projection into the countryside. In a similar manner, this would be very noticeable when travelling along the bridleway, despite the boundary hedges, and also from views further to the south of the appeal site, even when looking back towards the built development of the settlement."

"I am mindful that the appeal site is to some degree contained from long distance views to the west, south and east and that mitigation measures, along with the retention of existing vegetation, would help to soften the impact of the development. I accept both parties view that any impact on the Area of Outstanding Natural Beauty and its setting would be limited, given that it is located over a kilometre to the south. I also accept that there is existing housing, some of which are modern, in the vicinity and that the appeal site would not appear as an isolated development in the countryside. However, I consider that the proposal would result in an unacceptable intrusion into the countryside and would be viewed as a prominent projection, significantly past the built confines of the existing settlement. This would cause demonstrable harm to the character and appearance of the area."

It is thought, however, that there are some key differences between the likely impacts arising from the previous appeal scheme and those thought to result from the current proposals, not least owing to the considerable reduction in the application site area.

Essentially, whilst it is recognised that any prospective development would occupy the more elevated portion of the western field, it is not considered that it would result in the same degree of 'projection' or 'visual intrusion' into the countryside as the appeal scheme.

It would occupy only around slightly more than a third of this field, and barely around one fifth of the field to the east of the farm driveway, as opposed to the entire area of both fields as proposed under the appeal scheme.

Furthermore, it would extend the built form of this part of the town only a short distance to the south of a line taken from the point at which the north western boundary of the site with Twin Oaks meets Knightstone Lane and the continuation of the boundary of Bylands, on the opposite side of Slade Road from the site to the north east, to form the site boundary within the eastern field.

As a consequence, it is felt that development would read more as a form of 'rounding off' of the existing built form of this part of the town as opposed to a significant incursion into the expanse of open countryside beyond it.

Although it would be visible from a short length of Knightstone Lane to the south of Twin Oaks, and be positioned on gently rising ground, the extent of its incursion into the western field would appear considerably more limited with the level of impact upon the immediate wider landscape appearing far more localised and less intrusive to wider landscape character.

Development of the smaller land parcel to the east of the driveway to Slade Farm would be largely screened from shorter and medium distance views from Slade Road, both from the south east as it ascends towards East Hill and upon approach from the north west. The retention of the existing hedge and tree screening along the eastern side of the driveway would also mostly screen it from views from the driveway itself and any points of public vantage further to the west of the site.

It would also be possible at TDC stage to negotiate an appropriate treatment to the southern boundary of any development with the remainder of both fields so as to form a softened 'edge' to the built form of the town.

In addition, the considerably reduced site area, and therefore amount of development proposed, is such that the views over the site from St. Mary's Park and glimpsed views from Longdogs Lane that were identified by the Inspector would not readily reveal the presence of additional dwellings.

It is recognised that the full extent of the land to which the previous outline application and appeal related was considered by the Strategic Planning Committee in September 2024 and discounted as an allocated housing site in the emerging 'Regulation 19' Local Plan that has just recently been the subject of public consultation.

Among the reasons for not allocating the site were the extent to which development would extend into the open countryside, the likely visibility of development from considerable distance and concerns regarding insufficient highway capacity.

However, in the light of the significantly reduced site area and maximum number of dwellings proposed and its attendant lesser impact upon both localised and more distant views that are available of the site and its immediate context, taken together with the absence of any objections from the County Highway Authority to the 2015 proposals for in excess of five times the number of dwellings proposed, it is not thought that these would represent strong grounds upon which to oppose the more limited amount of development now proposed having regard to the broader housing land supply situation and the balance of the other material considerations set out in this report.

In the circumstances therefore, although it is accepted that the development of the site would result in some landscape impact (which would likely be unavoidable on any 'greenfield' site), it is considered that this would be restricted to a localised level of harm to the extent that it could be argued as carrying less weight in the overall planning balance than the previous appeal scheme; more especially when assessed within the context of the other material issues set out in this report in the wider planning balance.

In terms of the specific amount of development proposed, the creation of 9no residential plots would likely result in a density of housing that would be compatible with that of adjacent and nearby development in St. Mary's Park and Slade Road. As such, it is not anticipated that development of the site on the basis of a maximum of this number of dwellings would be out of character with this part of the edge of the built-up area of the town.

Loss of BMV Agricultural Land

The provisions of adopted Local Plan Policy EN13 (Development on High Quality Agricultural Land) protect BMV agricultural land from development that is not associated with agriculture or forestry and state that development affecting such land will only be granted exceptionally where there is an overriding need for it.

Given the Inspector's findings in regard to the housing land supply issue in connection with the previous appeal scheme, no overriding need for the development was identified at that time. The policy objection raised by the Council was therefore upheld.

However, whilst recognising the conflict with policy, the Inspector accepted the appellant's view that, given the scale of the appeal site, the loss of BMV land would not be significant.

In the circumstances therefore, given (on account of the much more limited scale of prospective development and the appreciably smaller site area) the much reduced level of loss of BMV agricultural land now proposed, taken together with the absence of the required five year supply of housing land, it is thought that this issue must now be regarded as carrying less weight in the wider planning balance in the assessment of the current PiP proposal.

Accessibility

Despite the Council's position in regard to the locational sustainability credentials of the site, namely its distance from local services and facilities and their accessibility via sustainable modes of transport, the Inspector significantly did not uphold this issue as carrying any weight against the development of the site.

He found as follows:

"During my site visit, I took considerable time walking the two routes to the local services and facilities discussed by the parties. The first route was via Longdogs Lane and Tip Hill. This route offered largely street lit footpaths along the majority of the route, except in relation to a pinch point where Longdogs Lane meets Tip Hill. At this pinch point it was very difficult to pass as a pedestrian, due to the number of cars using this very narrow section of the road and lack of footpaths. I consider that this would deter pedestrians and cyclists from using this route. However, I also observed that there is a footpath linking Homefield Close and St Budeaux Close to Yonder Street, which would offer an alternative route for this part of journey, which would result in pedestrians avoiding the pinch point and it is also slightly shorter in length. I consider that taking this route offers a safe and attractive journey to the majority of local services and facilities in the town centre on foot and by bicycle."

"The other route that I walked was via Slade Road and Yonder Street, which also offered a safe walking route, although, slightly longer in length. In both cases, I accept that the walking distance involved is not insignificant. However, I consider that given the routes are safe and offer an attractive environment for walking with footpaths and street lights, that they are not unreasonable. I accept some of the local services and facilities such as the medical centre, the hospital and the secondary school are beyond the distances advocated by the Manual for Street and the CHIT guidance. However, many of the local services and facilities are within the advocated distance range of 800 and 1200 metres, as set out in the appellant's evidence at Appendix 23. The area where the majority of the local services and facilities are located also accommodates bus stops, which I understand offer a good level of services to the wider area."

"Given all of the above, I consider that the appeal site is, on balance, suitably located to access a good level of local services and facilities, which can to a reasonable level, be accessed by sustainable modes of transport. I am also mindful that any journey to the local services and facilities by car would be very short. Consequently, I conclude that the proposal accords with Policy TC2 and TC4 of the LP. The policies seek to ensure that: new development is located so as to be accessible by pedestrians, cyclists and public transport to minimise the need to travel by car; and include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal."

In light of these findings, coupled with the reduced number of dwellings now proposed and the absence of any material change in circumstances during the past nine years since the appeal decision in 2016, it is not considered that objection to a grant of PiP on the grounds that the site occupies a non-sustainable location in relation to services and facilities within the town could reasonably be justified.

Planning Balance

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise.

There is identified conflict with the development plan in that the proposal seeks to build residential development in the countryside outside the defined BuAB for Ottery St. Mary. The proposal does therefore not comprise a plan-led development and there is identified conflict with the development plan in this regard.

The NPPF emphasises the need to significantly boost the supply of housing. East Devon has a significant shortfall in the supply of housing and can only demonstrate 2.97 years' worth of supply. The 'tilted balance' presumption in favour of sustainable development is therefore engaged and relevant policies that have demonstrably failed to provide a suitable supply of housing must be considered out of date.

This proposal would deliver a meaningful number of dwellings, thus addressing the significant need for housing in the District. It would also generate short-term economic benefits during the construction phase and longer-term social benefits by providing much-needed housing.

It is widely accepted that releasing additional greenfield sites will be necessary to meet the Council's ongoing housing trajectory. While the proposal conflicts with both the adopted Local Plan and the made Ottery St. Mary and West Hill Neighbourhood Plan by developing outside the BuAB, the Council cannot currently demonstrate a sufficient five-year housing land supply.

The situation is therefore materially different to that prevailing at the time of the determination of the appeal against the Council's refusal of the larger residential development scheme for the two fields (within which the current application site only occupies part) in 2016 and the basis upon which the Inspector principally upheld this decision.

In addition, in the light of the then appeal Inspector's findings against the Council in his assessment as to the locational sustainability credentials of the site, coupled with the considerably reduced number of dwellings currently proposed in comparison (up to 9 as opposed to up to 52), it is not considered that permission could be resisted on the basis of the lack of adequate access to service and facility provision within Ottery St. Mary. It is not thought that there has been any material change in circumstances to continue to justify the position taken by the Council at that time.

Similarly, in view of the overall limited weight that was given to the loss of high grade agricultural land by the Inspector, again taken in conjunction with the smaller site area and the current housing land supply position within the District, it is not thought that this could be robustly justified as a ground for objection to the proposed development.

Finally, turning to the remaining issue concerning the impact of development upon the character and appearance of the area, the current proposals involve only around one third of the site area to which the appeal scheme related. Development would not therefore represent a significant incursion into the open countryside in the same manner as found by the Inspector.

Although the larger site area, comprising the entirety of both fields, has previously been rejected as a potential site allocation for housing by the Strategic Planning Committee, with it not being included as such in the latest Regulation 19 version of the Draft Emerging Local Plan, it is reiterated that very limited weight can only be given to the Plan at this stage. As such, when taken alongside the pressing need for the Council to improve its housing land supply position, it is considered that the balance now weighs in favour of the release of this site.

Having regard to the overall balance of these material considerations, including the change in circumstances since the 2015 application and subsequent appeal, the respective weight previously given to the various material planning considerations by the Inspector, the current housing land supply position, the limited weight that can be given at this stage to the housing allocations set out in the emerging Local Plan and the limited impact of development upon the rural character and appearance of this part of the edge of the built-up area of the town, it is thought that support for the development of the much smaller site area now proposed would be justified.

Conclusion

In conclusion, having regard to the balance of the material considerations set out above, it is thought that a grant of PiP for up to nine dwellings on the site would be justified in this case.

National Planning Practice Guidance (PPG) states that it is not possible for conditions be attached to a grant of PiP and also that its terms may only include the site location and the type and amount of development. It also states that these must be specified, advising that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted.

The PPG also advises that the default duration of a PiP, where granted by application, is 3 years. Any subsequent application for TDC must be determined within this time period.

Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of designated European sites and the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives, the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That Permission in Principle be GRANTED.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

The applicant is advised that an application for approval of Technical Details Consent must be made and determined not later than the expiration of three years beginning with the date of this permission.

Community Infrastructure Levy (CIL) - Where CIL liable development is approved in permission in principle, the liability to pay CIL arises at the time of commencement of development following the grant of Technical Details Consent.

Plans relating to this application:

Location Plan

02.12.24

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.

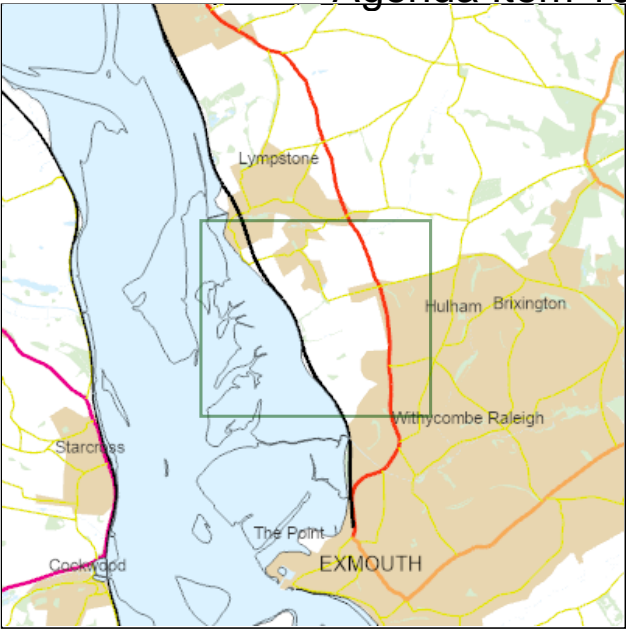
Ward Exmouth Halsdon

Reference 22/2428/FUL

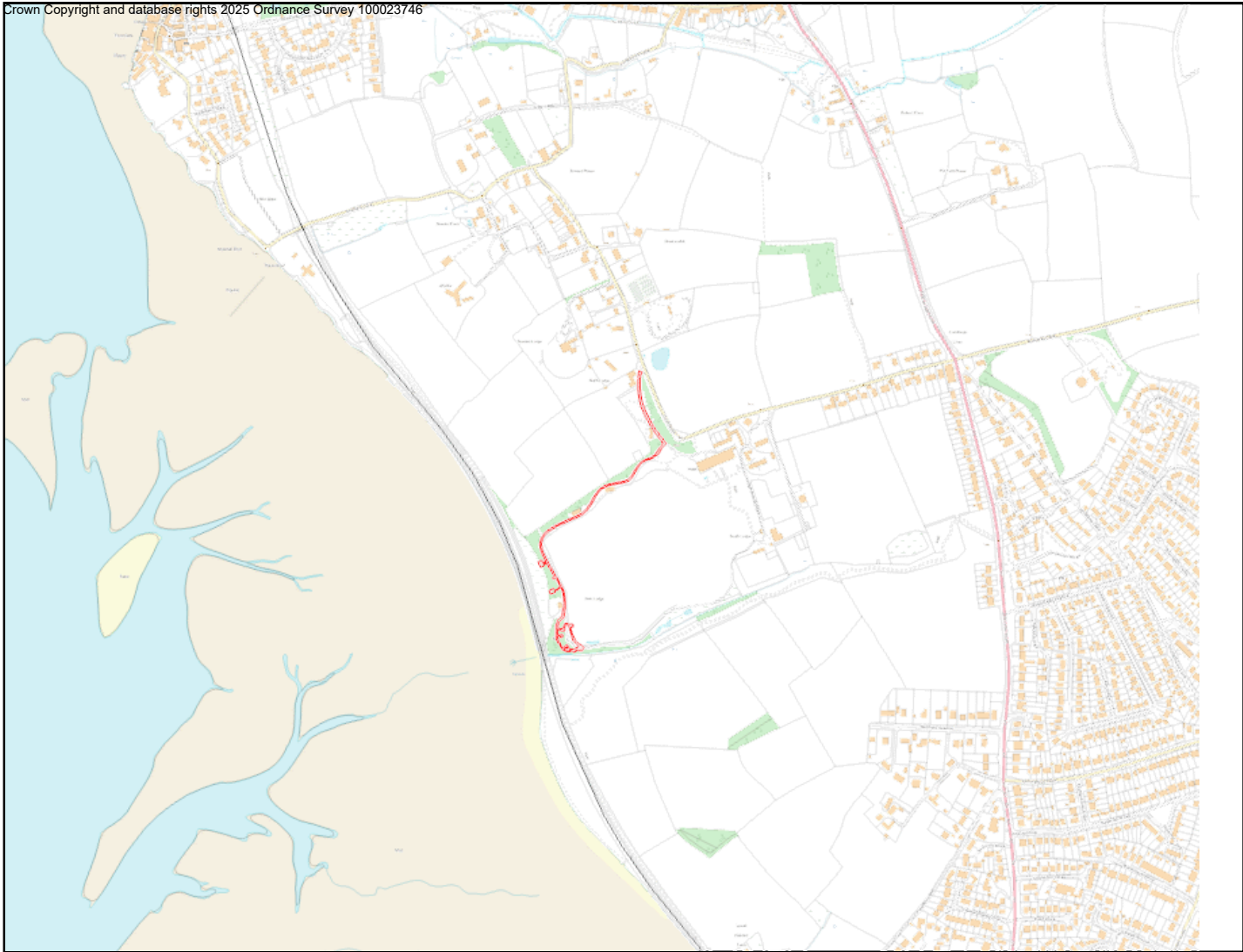
Applicant Mr Michael Caines

Location Lympstone Manor Hotel Courtlands Lane
Exmouth EX8 3NZ

Proposal Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (partially retrospective application)



RECOMMENDATION: Approval with conditions



		Committee Date: 22.04.2025
Exmouth Halsdon (Exmouth)	22/2428/FUL	Target Date: 27.12.2022
Applicant:	Mr Michael Caines	
Location:	Lympstone Manor Hotel Courtlands Lane	
Proposal:	Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (partially retrospective application)	

RECOMMENDATION: APPROVAL with conditions

EXECUTIVE SUMMARY

This application is before Members because a contrary view has been expressed by the Ward Member and Parish Council.

The application site is located within the grounds of Lympstone Manor Hotel, a Grade II Listed Building, and seeks (partially retrospective) permission for the siting of six shepherds huts with associated infrastructure and development. It is proposed that one of the units that has been sited adjacent to the boundary of the site is relocated within the grounds, and that decking and some fencing adjacent to the boundary is also removed.

The site is located within a wooded area close to the southwestern boundary of the site, and adjacent to an existing pond.

Some concern has been raised about the visual impact of the development, and its location with the Undeveloped Coast and Coastal Protection Area, however the revised positioning and scale of the development is not considered to have an unacceptable or material impact on this area, such that it could be refused on this basis.

The proposal would result in less than substantial harm to the setting of the heritage asset, however it is considered that the public benefits arising from the provision of additional tourist accommodation making a contribution to the local economy and potential employment opportunities would outweigh this harm.

There are no other technical objections to the proposal, and subject to appropriate conditions the application is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr Andrew Towe

Objection on environmental grounds. Detrimental to the environmental and visual amenity as it is within a coastal preservation area and an environmentally sensitive area - contrary to policy EN1 of the local plan.

Exmouth Town Council

30/01/24 - Meeting 29.01.24

Objection sustained; the amended plans did not mitigate the concerns previously raised. The development was in a Coastal Preservation Area and a sensitive ecological area, the development was unacceptable to the amenity and environmental qualities for its location, contrary to policy EN1 of the Exmouth Neighbourhood Plan.

Exmouth Town Council

23/11/22 - Meeting 21.11.22

Objection; the revised application did not mitigate previous concerns raised. The Site was located outside the built-up area boundary for Exmouth and in a Coastal Preservation Area. It was a sensitive ecological area, and it was considered that the development was unacceptable to the amenity and environmental qualities for its location, contrary to policy EN1 of the Exmouth Neighbourhood Plan.

Clerk To Lympstone Parish Council

26/01/24 - Lympstone Parish Council supports the improvements to the layout and landscaping of the site. However, LPC note and are concerned that the issues raised in LPCs original objections have not been addressed: lack of any improvement to the sewage infrastructure, ecology (no updated ecology survey), waste management and flood risk.

Lympstone PC would like to highlight the concerns raised in District Cllr Jung recent report in Exmouth Journal www.exmouthjournal.co.uk/news/24043851.east-devon-councillors-discuss-sewage-pipe-bursts-exmouth/

Lympstone Parish Council

22/11/22 - 22/2428/FUL - Erection of 6 no. temporary guest shepherd-hut units with supporting services boiler housings and timber pond boardwalk at Lympstone Manor Hotel.

Recommendation: Object

Lympstone Parish Council objects to the planning application unless the planting and landscaping negates the impact on the area of scientific interest and biodiversity.

Exmouth Littleham - Cllr Brian Bailey

. Many thanks for your message today I take note of your points however this lack of determination is causing great concern

Kind regards Brian

Summary of Technical Consultations (Full Responses in Appendix 1)

Emergency Planning and Business Continuity Officer 04.03.2025

I am non-statutory consultee for planning applications within flood zones 2 and flood zones 3 in East Devon where there is a need for consideration of evacuation, access and egress. My comments relate to the Flood Emergency Plan (FEP) and Flood Risk Assessment (FRA) which have been submitted as part of this application and the description of the access and egress in a design flood scenario. I am supportive of the EA comments that safe access and egress is described and documented in the FEP."

Conservation 02.04.2024

With regards the development, it is considered that it will result in some harm. In line with the NPPF 23, in addition to para 212 as previously stated, the following paragraphs relating to harm are relevant:

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.... Extract

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that in this case the harm is less than substantial.

Conservation 07.02.2024

The submitted information seeks to address the previous concerns raised and detailed comments are set out below:

Shepherd Hut - Beehive: noted that decking removed and set back from wall;

Visibility of Units: changes to decking, re-location of shepherd hut, noted;

Public Use of Units: noted;

Ladies Walk Enhancements & Improvements: it is appreciated that much has been done to improve the Ladies Walk from its previous neglect. However, the introduction of the 6no. shepherds huts is not considered to contribute to this enhancement;

Conclusion: the additional information is noted and the changes to improve the individual shepherds huts. It is also appreciated that the Ladies Walk itself has been improved. However, there is still an overall concern relating to the introduction of the shepherds huts into the landscaped setting of the listed building. In terms of setting it is not considered that they enhance or better reveal its significance (NPPF23 - para 21), although it is acknowledged that the Ladies Walk itself, is now much improved.

DCC Flood Risk Management Team 19.02.2024

I have reviewed the additional information for the above planning application.

The submitted testing appears to demonstrate that infiltration is viable. Could the road be drained into the soakaway?

Does the existing pond have inflows and outflows?

DCC Flood Risk Management Team

27/04/23 - Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should confirm how surface water is managed across the site.

The applicant should also confirm how the pond was formed and whether it has an outfall.

Natural England 23.01.2024

Thank you for your consultation on the above dated 16 January 2024 which was received by Natural England on 16 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Environment Agency 05.02.24

Thank you for re-consulting us on this application. Our position remains unchanged in light of the additional documents submitted (Storm Percolation test and Soakaway design, 'Lady's Walk' improvements, Public Use Statement, Lady's Walk Enhancements - Additional information, Visibility of units from outside of the site, combined plan - Beehive). We take this opportunity to remind your authority that before you determine this application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

I provide a copy of our previous response, detailing the recommended planning conditions below:

Environment Agency position

The proposed development will only be acceptable with regard to the National Planning Policy Framework requirement for development to be safe from flood risk and coastal change if subsequent permission includes conditions to:

- o ensure implementation in line with the submitted flood risk assessment (FRA),
- o be time-limited to 30 years, and
- o restrict occupation of the shepherd-huts when a flood warning is in force.

Environmental Health 16.01.24

I have considered the application and do not anticipate any environmental health concerns.

Other Representations

A total of five representations have been received, 4 raising objections and one neutral, summarised below:

Objections

- Proposal is outside the built-up area boundary for Exmouth
- The site is in the Coastal Preservation Zone
- It is a sensitive ecological area
- Additional noise
- Light pollution
- Additional activity and nuisance
- Additional traffic on nearby lanes
- Visually intrusive
- Increased risk of flooding
- Unnecessary development

Neutral

- Images from the west have not been included with the application

RELEVANT PLANNING HISTORY

Reference Description Decision Date 21/0751/FUL	Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (retrospective application)	Withdrawn	09.11.2022
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20/1211/FUL	New swimming pool and pool house, including changing and hospitality area, and external terracing and leisure area	Approved with conditions	29.10.2022
16/2878/VAR	Variation of condition 2 (plans condition) of planning permission granted under reference 14/2946/MFUL (renovation, restoration and extension of Courtlands House Estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant, including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary Cycle Way) to include design alterations to the approved drawings	Approved with conditions	20.12.2017
14/2946/MFUL	Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way.	Approved with conditions	29.07.2025

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 33 (Promotion of Tourism in East Devon)
Strategy 44 (Undeveloped Coast and Coastal Preservation Area)
Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN14 (Control of Pollution)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

Exmouth Neighbourhood Plan

EN1 – Development within the Built-up Area Boundary
EN5 – Surface Water
EN6 - Sustainable Urban Drainage Systems
EE1 - Tourism

Lympstone Neighbourhood Plan

OFFICER REPORT

Site Location and Description

The application site comprises an area of land within the grounds of Lympstone Manor, a large Grade II Listed country manor hotel. The hotel is located on the higher land to the east of the estate, with the grounds sloping down to the west towards the Exe Estuary. The house has been substantially altered and extended over the years since its Georgian origins, with extensive and comprehensive redevelopment to the boutique hotel and fine dining restaurant that currently occupies it.

Landscaping within the grounds has been extensive, with a vineyard planted on the central/western slopes, with an outdoor pool and pool house and function area, together with refurbished tennis courts to the south of the hotel, adjacent to former walled garden.

Lympstone Manor lies within the open countryside, between Exmouth and Lympstone. It is accessed from Courtlands Lane, a single carriageway road that extends to the east to link to the A376 Exeter to Exmouth Road.

The site is located towards the western boundary of the estate, close to the boundary brick wall and meadow beyond, which abuts a boardwalk section of the Exe Estuary Cycle Trail. The river Exe lies to the west of the cycle trail. The site is within a Coastal Preservation Area as defined in the Local Plan

Background

The shepherd huts are sited within a woodland area to the east of the estate. They were installed without the benefit of planning permission and the application for their retention submitted in 2001 (21/0751/FUL) raised a number of landscape, visual, heritage and flood risk concerns, both in terms of siting and the installation of external paraphernalia. This application was subsequently withdrawn and further negotiations various site meetings and alternative proposals have been explored. The application now being considered seeks to overcome these concerns. In essence the alterations to the proposal now being considered include the relocation of one of the units and its boiler housing, removal and reduction in height of decking, removal of boundary fencing, and the installation of a boardwalk and accessible trail extending around the pond.

Proposed Development

Planning permission is sought for the retention of five shepherd's huts, and the alternative siting of a sixth, together with boiler housing, decking and associated development.

The huts are located within a woodland area on the western boundary of the site with three on the eastern side of a pond, which is located adjacent to the edge of the vineyard which occupies most of the central part of the hotel's grounds. The relocated hut is positioned on the southern edge of the pond. The other two are located to the north of a property known as West Lodge which was one of the lodge buildings associated with the main house.

Access to the huts is taken from a circular route, known as Lady's Walk, which meanders around the edge of the estate, with parking for visitors' cars within the main car park of the hotel. It is possible to drive to the huts from the Lady's Walk to the north for dropping off of visitors and luggage, but no parking is proposed adjacent to the huts.

The shepherds huts comprise modest double units measuring around 5.5m in length by 4.4m in width and sleeping 2 people. Each hut is supported on wheels with a double curved corrugated steel roof, with an overall height of 3.6m above ground level. The external walls are clad in horizontal natural timber cladding with timber windows and doors. Externally each of the huts has a private decking area. A boardwalk has been created around the newly formed pond with access from the Lady's Walk and into the vineyard.

CONSIDERATION AND ASSESSMENT

The main issues to be considered in the determination of this application relate to the principle of the development, the design, scale and siting; landscape impact and any impact on the listed building and heritage assets; trees; flood risk, highway safety and parking, or on residential or other amenity.

Principle of the Development

The principle of the development is supported within the Local Plan through Strategy 7 and Strategy 33. Strategy 33 states that the Council will support and facilitate tourism within East Devon and high-quality year-round tourism that is responsive to changing visitor demands. Since the outbreak of Covid 19 there has been a growth in the demand for independent holiday accommodation, which the shepherds huts offer, although visitors have the choice of being fully serviced by the hotel and have access to the restaurant and other leisure facilities which the estate offers. Strategy 7 is an overarching strategy which states that development in the countryside would be resisted unless there is a specific policy within the Local Plan or neighbourhood plan which supports the proposal.

Policy E5 (Small Scale Economic Development in Rural Areas) supports the expansion of existing businesses designed to provide jobs for local people, subject to a number of criteria including the provision of a safe highway access, no detriment to the amenities of neighbouring properties, wildlife, landscape or historic interests.

Additionally there is support in the Exmouth Neighbourhood Plan for the promotion of tourism to maintain a vibrant visitor and business environment. Policy EE1 - Tourism states that proposals for tourist facilities and holiday accommodation in the Exmouth Neighbourhood Plan area will be supported in order to boost the local economy and enhance the promotion and development of the area as a suitable holiday destination.

The above is echoed in the NPPF23 with Paragraph 88 stating that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas...and sustainable rural tourism and leisure developments which respect the character of the countryside.

The proposed development is considered to represent the expansion and consolidation of an existing rural business and promoting local tourism which is supported by local and national planning policy.

Design, Scale and Setting

Substantial landscaping, planting and woodland management has been undertaken within the grounds of the hotel, and particularly along the southern and eastern side of the gardens and the circular 'Lady's Walk' and whilst the huts and associated development is visible within the grounds of the hotel, they are seen against and within the woodland area. Whilst they are clearly not a natural feature, it is not considered that they appear visually discordant or incongruous in this location.

The shepherds huts are modest structures, having a floor area of around 24 square metres, supported on wheels with a double curved corrugated steel roof, with an overall height of 3.6m. Glimpsed views can be had of some of the huts from the Exe Estuary Cycle Trail to the west of the site, from which, with the amended siting and removal of the fencing/decking, they are not considered to be visually intrusive or prominent within the wider landscape.

The application site is within the Undeveloped Coast and Coastal Preservation Area which Strategy 44 applies. This strategy seeks to protect sites from development which would damage the undeveloped/open status of the designated area. Whilst the site lies within this area, the modest and temporary nature of the shepherd huts, and their positioning is not considered to represent any perceived or real threat to the open character of this area such that it would conflict with Strategy 44.

Heritage Impact

Concerns have been raised about the impact of the siting of the huts on the setting of Lympstone Manor, and in particular the setting of the Lady's Walk, a circular walk around the perimeter of the estate.

The southern part of the walk, leading from the front of the house, past the new swimming pool and refurbished tennis courts, around the vineyard, and extending to the western boundary of the site has been extensively refurbished, with new surfacing, planting and the formation of a sculpture trail providing both visual and educational interest. Access for hotel visitors to the cycle trail is also provided in the south western corner through a private gateway. This area is considered to be most attractive to visitors and hotel guests, and has been restored to its former landscape character.

However beyond West Lodge, which is in separate ownership, and the shepherd huts the character of the Lady's Walk has been substantially altered, with a tarmac service driveway extending beyond the huts to the maintenance shed, staff accommodation and service buildings, together with parking areas forming the northern boundary of the site.

Whilst guests can complete the walk, the pleasant and tranquil character of the southern part of the estate has been eroded from the northern half of the walk.

The Conservation Officer considers that the setting of the hotel has already been diminished by other development on the site and alterations to the landscape setting. The alterations to the northern part of the walk, including the service accommodation blocks and the resurfacing and parking within this part of the wall are not identified and do not appear to have been taken into account when stating the harm to the Lady's Walk that has been identified. Overall the harm arising from the siting of the huts on the setting of the heritage asset is identified as less than substantial and that any harm could be further mitigated by the revised proposals.

Whilst recognising that any development will have some impact on the listed building's setting, this is considered to result in less than substantial harm and that subject to appropriate conditions the identified harm can be appropriately mitigated such that the

retention of the huts and associated works will have a minimal impact on the setting of the heritage asset.

However, under NPPF24 paragraph 215 this harm to a designated heritage asset also has to be balanced against the public benefits of the proposal. The public benefits here relate to the provision of alternative accommodation to that currently available within the main hotel, with visitors also having the opportunity to use the leisure opportunities and facilities at the hotel. The revenue from the additional accommodation will help to ensure the long term viable use of the heritage asset, and the local economic growth, providing employment and additional visitors to the surrounding towns and villages and supporting a prosperous rural economy as encouraged by NPPF paragraphs 88 and 89.

The support for the local economy is considered to weigh heavily in support of the proposal and subject to appropriate landscaping and detailing it is concluded that the public benefits of the proposed facilities outweigh the limited harm to the listed buildings setting, which results in a less than substantial impact to its significance.

Trees

The application site is located within a well treed area of the estate, and the siting and position of the units has been the subject of discussions with the Councils Arboricultural Officer, who whilst not providing a formal response, has indicated that they are satisfied that the development will not have a detrimental impact on existing trees.

Flood Risk and Drainage

The application site lies within an area identified as being floodzone 2/3 and at risk of tidal flooding although it is recognised that flood warnings can be provided with sufficient lead time to allow for the evacuation of the huts should that prove necessary and that the boardwalk would provide a safe access and egress. In considering the occupation of the shepherd huts the Environment Agency (EA) considers that they should not be occupied when flood warnings are in place, and that due to future uncertainty over climate change their siting should be for a 30 year temporary period.

Notwithstanding the above, paragraph 176 of the NPPF24 requires that a sequential test should be applied in cases of a change of use of land to a caravan, camping or chalet site. The sequential test in respect of planning applications is defined by local circumstances relating to the catchment area for the type of development proposed. In this instance part of the need for the development is to ensure the continuing preservation and enhancement of Lympstone Manor as a heritage asset. On this basis the catchment area for the location of the development is, by its nature, considered to be very limited. The siting of the huts in another part of the district, or outside land within the ownership or control of the hotel would not provide any benefit to the identified heritage asset whose future protection is being sought. With the above in mind, it is considered to be reasonable, in this specific instance, to limit the search to that of the Lympstone Manor Estate.

Following on from the identification of the catchment area it is necessary to assess whether it is possible to locate the development within an area identified as being at low risk of flooding. Most of the estate falls within this category due to the rising land from the west of the site up to the hotel. Within this area, however, it is not considered that there are any suitable sites for the siting of the huts due to the existing development on the site, including the main hotel, leisure facilities, service buildings and the large central vineyard occupying much of open rising land to the centre of the estate.

In considering the siting of the shepherds huts a number of alternative positions within the grounds were considered, but not found to be suitable or available, having regard to the constraints identified above, and impact on the identified heritage asset. Given the very specific nature of the proposal, it was not considered to be necessary to extend the search beyond that within the control of the estate. The site has been assessed through a site-specific flood risk assessment which has provided sufficient information and mitigation to ensure that the Environment Agency offer no objections to the proposal.

The proposed siting, is therefore identified as the only position available for the development and therefore satisfies the provisions of the Sequential Test. Following this it is necessary to consider whether the Exceptions Test can be satisfied.

The Exception Test requires two additional elements to be satisfied before allowing development to be permitted in situations where suitable sites at lower risk of flooding are not available following the application of the sequential test. Firstly, the development will provide wider sustainability benefits to the community that outweigh flood risk, and secondly that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

In this instance wider sustainability benefits include the contribution to the local tourist economy, employment generation and contribution towards the future protection of the heritage asset.

The nature of the shepherds huts is such that they are considered to be temporary buildings, with a limited life span, typically around 30 years, and as such it is considered that this, with the agreement of the Environment Agency, should be the measure for an assessment for the 'lifetime' of the development.

The proposal has been the subject of a robust site specific flood risk assessment, which has been scrutinised and found to be acceptable by the Environment Agency, providing protection from flooding, both now and future proofed against climate change predictions. A number of safety measures are proposed including the adoption of a Flood Management and Evacuation Plan whereby flood warnings will be received from the EA and a proprietary flood warning system measuring in situ tide levels in real time. The hotel will sign up to the EA Early Warning System which will notify and enact the Evacuation Plan. The management and staff will have full knowledge of the flood management and evacuation plan which will be provided within each of the shepherd huts. These arrangements have been considered by the Council's Emergency

Planning and Business Continuity Officer and the Flood Management and Evacuation Plan found to be acceptable.

The benefits of the development have been balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors have been considered and the development, as an additional attraction to the existing hotel and leisure complex makes a significant and positive financial contribution not only to the operation of Lympstone Manor, but to the wider tourist economy. Given the 'temporary' nature of the buildings it is considered reasonable to condition the siting of the shepherds huts to a limited time period to reflect this.

Highway Safety and Parking

The introduction of additional holiday accommodation on the site will attract additional visitor numbers and associated vehicular activity on the site, although this is considered to be relatively modest when considered against the existing traffic attracted to the site and is not considered to present any highway safety issues.

No parking areas are proposed within the vicinity of the huts, with visitors parking within the main hotel car parks and being taken to the shepherds huts by golf trolleys, or other internal transport.

Residential Amenity

The nearest residential property, West Lodge, is located to the north of the shepherd's huts. The occupation of the units will, inevitably, increase activity within the area which has the potential to create additional noise and disturbance for residents of that property. Having said this the number and size of the units is considered to effectively limit any loss of amenity. Parking is provided within the service area to the north of the site, further minimising any loss of amenity through traffic noise. Overall the scale and nature of the development is considered to be such that any potential impact on residential amenity would be acceptable such that the proposal would accord with the provisions of Policy D1 of the Local Plan.

Appropriate Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10

kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

CONCLUSION

The siting of the shepherds huts, albeit partially retrospective, is considered to be acceptable in policy terms, helping to secure the long term viability of the heritage asset, providing additional tourist accommodation and contributing towards the local economy, and the public benefits accruing from this would outweigh the less than substantial harm to the setting of Lympstone Manor (Grade II heritage asset). Subject to appropriate conditions to ensure the repositioning of the 'Foxden' unit, and the other proposed works to remove/reposition fencing and decking, and other conditions, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Within 3 months of the date of this decision the shepherd hut known as 'Foxden' together with associated boiler housing and log store shall be repositioned in accordance with the details indicated on Drawing No.247-AA(--X004 (Proposed Site Plan).
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
2. Within 3 months of the date of this decision the removal and reconfiguration of the decking associated with the shepherd hut known as 'Beehive' shall be undertaken in accordance with the details indicated on Drawing No. 247 – AA (-) 001 Rev. A (Shepherd Hut 01 – Beehive)
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
3. The permission hereby granted shall be limited to a period of 30 years from the date of this decision notice. The use hereby permitted shall be discontinued and all development and materials associated with it shall be removed and the land restored to its former condition within 3 months of the use ceasing in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - To account for increased flood risks from climate change consistent with Planning Practice Guidance paragraph 7-050-20220825 and to ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy

Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

4. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
5. Notwithstanding the submitted details, within 3 months of the date of this decision, a lighting scheme shall be provided for the site which complies with the requirement of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No other external lighting shall be provided or retained within the application site.
(Reason - To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and advice contained in Paragraph 180 of the National Planning Policy Framework).
6. Development in accordance with the flood risk assessment
The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).
(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)
7. Restriction on occupation (flood warnings)
The shepherd-hut units hereby approved shall be occupied only in accordance with the requirements and measures identified in the Flood Evacuation Plan, submitted by Airey and Coles, document reference 11412-A&C-XX-XX-RP-C-FEP-0001 and must not be occupied when Environment Agency flood warnings are in force.
(Reason: To ensure that risk to people and property from flooding is minimised and in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031).
8. Holiday use
The development hereby approved shall be for the siting of up to six shepherds huts only as indicated on the Shepherds Huts Site Plan (drawing no. 247 – AA(-)-003). The accommodation shall be occupied for holiday purposes only and operated in conjunction with and ancillary to Lympstone Manor Hotel and shall not be used for permanent residential accommodation. A register (including names and main addresses, arrival date and departure date) of all visitors to the site shall be collated and maintained by persons responsible for the management of the site, and this information shall be available to the Local Planning Authority upon request.
(Reason - The development is only permitted for holiday use as the benefits of such use are considered to outweigh the harm arising from the unsustainable

location of the site, in accordance with Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan, as well as guidance contained within the National Planning Policy Framework.

9. Parking

Notwithstanding the submitted details no parking of visitor vehicles shall take place within the vicinity of the shepherds huts as detailed on the submitted site plan (Drawing No. 247 – AA(--))03).

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

20022 P52.02 Other Plans REV D : proposed below ground drainage		01.11.22
247-2_P(--))1000	Location Plan	01.11.22
247-AA(--))003 : shepherds huts	Proposed Site Plan	01.11.22
247-AA(--))004	Proposed Site Plan	01.11.22
247-P(--)) 14 : Shepherds Huts_5 Hares Rest	Proposed Elevation	06.04.23
247-P(--)) 06 : Shepherds Huts_6 Badgers Set	Layout	06.04.23
247-P(--)) 13 : Shepherds Huts_4 Otters Holt	Proposed Elevation	06.04.23
247-P(--)) 15 : Shepherds Huts_6 Badgers Set	Proposed Elevation	06.04.23
247-P(--)) 04 :	Layout	06.04.23

Shepherds
Huts_4 Otters
Holt

247-P(--) 09 : Other Plans 06.04.23
boiler housing 3

247-P(--) 11 : Proposed Elevation 06.04.23
Shepherds
Huts_2
Hedgehog

247-P(--) 03 : Layout 06.04.23
Shepherds
Huts_3 Foxden
floor

247-P(--) 05 : Layout 06.04.23
Shepherds
Huts_5 Hares
Rest floor

247-P(--) 07 : Other Plans 06.04.23
boiler housing 1

247-P(--) 08 : Other Plans 06.04.23
boiler housing 2

247-P(--) 10 : Proposed Elevation 06.04.23
Shepherds
Huts_1 Beehive

247-P(--) 12 : Proposed Elevation 06.04.23
Shepherds
Huts_3 Foxden

247-P(--) 02 : Layout 06.04.23
Shepherds
Huts_2
Hedgehog

247_AA(-)001 Additional Information 15.01.24
Rev A:
Shepherds
Hut/Beehive

List of Background Papers

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

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemptions 1 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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.

APPENDIX 1 – Technical Consultation Responses in Full

Natural England

23/01/24 - Thank you for your consultation on the above dated 16 January 2024 which was received by Natural England on 16 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Exe Estuary Special Protection Area (SPA), East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's

conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other Protected Sites

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annexe A uploaded separately under documents tab

Environment Agency 05.02.24

Thank you for re-consulting us on this application. Our position remains unchanged in light of the additional documents submitted (Storm Percolation test and Soakaway design, 'Lady's Walk' improvements, Public Use Statement, Lady's Walk Enhancements - Additional information, Visibility of units from outside of the site, combined plan - Beehive). We take this opportunity to remind your authority that before you determine this application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

I provide a copy of our previous response, detailing the recommended planning conditions below:

Environment Agency position

The proposed development will only be acceptable with regard to the National Planning Policy Framework requirement for development to be safe from flood risk and coastal change if subsequent permission includes conditions to:

- o ensure implementation in line with the submitted flood risk assessment (FRA),
- o be time-limited to 30 years, and
- o restrict occupation of the shepherd-huts when a flood warning is in force.

Our recommended conditions, along with comments to support our position are set out below.

Condition - Development in accordance with the flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition - Time limited development (climate change flood risk)

This development shall only be approved for a limited development lifetime of 30 years from the date the permission is implemented.

Reason: To account for increased flood risks from climate change consistent with Planning Practice Guidance paragraph 7-050-20220825

Condition - Restriction on occupation (flood warnings)

The shepherd-hut units must not be occupied when Environment Agency flood warnings are in force.

Reason: To ensure that risk to people and property from flooding is minimised.

Notes on recommended conditions

With regard to time-limiting development to 30 years, current climate change scenarios set out within the FRA demonstrate that the site will be safe in the design flood event up to the year 2060. After this time sea level projections indicate that this site will be at risk of flooding and unsafe for occupants during the 1 in 200 tidal flood event.

Once this time-limited development has lapsed planning permission must be re-applied for.

The condition restricting occupation of the shepherd huts when a flood warning for the area has been issued is required there is no freeboard from the proposed flood level to the finished floor levels which the Environment Agency usually recommends against due to other site constraints. By ensuring that the shepherd huts are unoccupied should flooding occur an extra level of safety will be in place to account for the lack of design freeboard and to keep occupants safe.

The main source of flood risk in this location is tidal therefore flood warnings can in most instances be provided with sufficient lead time to allow for evacuation of shepherd huts.

Other comments

While the finished floor levels are raised above the relative 1 in 200-year flood up to the year 2060, safe access and egress has been provided and demonstrated within the FRA. Should flooding to the design flood level occur, occupants of the huts will be able to safely evacuate on the proposed boardwalk which has a proposed level of minimum 4.03mAOD. This boardwalk is essential for safe access and egress.

The FRA also states in section 6.1 that an evacuation plan will be produced with the hotel signed up to EA flood warnings. We recommend that this flood evacuation plan is refreshed every year to ensure staff are familiar with the procedures.

Please contact us again if you require any further advice.

Environment Agency

Environment Agency position

Following review of the additional plans submitted, we advise that our position and advice remains unchanged from our previous letter dated 23rd November 2022. We maintain our position that the proposed development will only be acceptable if any subsequent permission includes conditions relating to the management of flood risk and safety of the occupants. The contents of the previous response are copied below:

"Our recommended conditions, along with comments to support our position are set out below.

Condition - Development in accordance with the flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition - Time limited development (climate change flood risk)

This development shall only be approved for a limited development lifetime of 30 years from the date the permission is implemented.

Reason: To account for increased flood risks from climate change consistent with Planning Practice Guidance paragraph 7-050-20220825

Condition - Restriction on occupation (flood warnings)

The shepherd-hut units must not be occupied when Environment Agency flood warnings are in force.

Reason: To ensure that risk to people and property from flooding is minimised.

Notes on recommended conditions

With regard to time-limiting development to 30 years, current climate change scenarios set out within the FRA demonstrate that the site will be safe in the design flood event up to the year 2060. After this time sea level projections indicate that this site will be at risk of flooding and unsafe for occupants during the 1 in 200 tidal flood event.

Once this time-limited development has lapsed planning permission must be re-applied for.

The condition restricting occupation of the shepherd huts when a flood warning for the area has been issued is required there is no freeboard from the proposed flood level to the finished floor levels which the Environment Agency usually recommends against due to other site constraints. By ensuring that the shepherd huts are unoccupied should flooding occur an extra level of safety will be in place to account for the lack of design freeboard and to keep occupants safe.

The main source of flood risk in this location is tidal therefore flood warnings can in most instances be provided with sufficient lead time to allow for evacuation of shepherd huts.

Other comments

While the finished floor levels are raised above the relative 1 in 200-year flood up to the year 2060, safe access and egress has been provided and demonstrated within the FRA. Should flooding to the design flood level occur, occupants of the huts will be

able to safely evacuate on the proposed boardwalk which has a proposed level of minimum 4.03mAOD. This boardwalk is essential for safe access and egress.

The FRA also states in section 6.1 that an evacuation plan will be produced with the hotel signed up to EA flood warnings. We recommend that this flood evacuation plan is refreshed every year to ensure staff are familiar with the procedures."

Please contact us again if you require any further advice or if you wish to discuss the contents of this letter.

DCC Flood Risk Management Team

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should confirm how surface water is managed across the site.

The applicant should also confirm how the pond was formed and whether it has an outfall.

DCC Flood Risk Management Team

I have reviewed the additional information for the above planning application.

The submitted testing appears to demonstrate that infiltration is viable. Could the road be drained into the soakaway?

Does the existing pond have inflows and outflows?

Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Lympstone Manor Hotel, Courtlands Lane, Exmouth

GRADE: II APPLICATION NO: 22/2428/FUL

Devon Gazetteer of Parks and Gardens of Local Historic Interest

PROPOSAL: Erection of 6 no. temporary guest shepherd-hut units with supporting services boiler housings and timber pond boardwalk (Retention of)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. Photos on I Drive.

The gardens are not included on the National Register of Parks & gardens but they are of local importance and included on the Devon Gazetteer.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

A mile long walk, known as The Lady's Walk, winds through a leafy glade past ponds and through the formal gardens. This is shown on the historic OS and current maps, which encircles the parkland and runs beside the river. The article by Helen Whitmore describes the gardens and Lady's Walk in considerable detail.

A recent application under 21/0751/FUL was withdrawn.

This application seeks approval for the siting of 6no. shepherds huts with decking, boiler housing, log stores and other associated paraphernalia. These are already in situ and are located to the south west of the 'Manor' and within the woodland which formed part of the original Lady's Walk. The Statement of Significance, originally written in January 2015 has been submitted to accompany this application. The Addendum dated March 2021, submitted with the previous application appears to have been omitted. It contained the following paragraph:

5.1.3 Lady's Walk is another important part of the historical landscape setting. It remains of value to the interpretation of the former garden design and is significant'.

In addition the original Statement (para 1.0.5) recognises the importance of 'preserving and enhancing the characteristics which contribute to the estuary setting, the urban gap between Exmouth and Lympstone and the heritage value of the house and grounds'. More detail relating to the significance of the gardens is included in the Executive Summary paras 1.0.6 - 1.0.11. The document also describes the Lady's Walk in more detail (3.013). Finally, a summary of the setting (garden) and its heritage significance is provided in Section 8.1.

There is no doubt, confirmed by the original Statement of Significance and Addendum that the Lady's Walk is part of the historic landscape setting of the House and that it therefore contributes to the setting of the heritage asset and is significant in itself.

A revised Heritage Statement has also been submitted, in conjunction with a Visual Overview and a Design & Access Statement.

The shepherds huts and associated structures have been located to the west of the Lady's Walk, to the north and south of West Lodge, at the bottom of the slope and are partially screened by the existing woodland, vegetation and the stone/brick boundary wall, running along the western boundary. From the grassed area to the west of this boundary wall between the new cycle track/pedestrian footway and railway they can be seen as prominent structures above the existing wall. The shepherds huts can also be seen from other viewpoints along the walk and from the grassed terraces and seating areas in front of the House (see photographs on IDrive & Visual Overview).

To address the concerns previously raised Foxden - Hut No. 3, including the boiler house have been re-located to the group around the pond and safety boardwalk around the ecology pond.

However, Beehive - Hut No. 1 appears now to be shown on the Shepherds Hut Site Plan right up against the boundary wall, rather than the previously amended Site plan under 21/0751/FUL. There is therefore concern relating to the longterm care, repair and maintenance of the historic boundary. It is noted in the Heritage Statement (p.14) that the fences are to be removed and decking reduced, but this is not apparent on plan.

Now grouped in two distinct areas - West Group & East Group (including the re-located Foxden), together they still form an incongruous collection of structures out of keeping with the concept of the Lady's Walk - gentle walking, a place for contemplation, water features (ponds), specimen trees and planting providing colour, scent and seasonal change, The Cottage (now West Lodge), a halfway point, possibly for resting or shelter, and even privacy. This structural element of the garden is of particular significance and the introduction of the new structures interrupts, not only the visual appearance of the walk and the wider garden and views, but also the experience and appreciation of the walk. They are an intrusion within the landscaped setting and detract from the character, appearance and significance of this setting and its contribution to the overall visual relationship between the house and the planned landscaped gardens.

Due to its raised location above the river with a sloping gradient, the House can be seen from the new cycle track/pedestrian footway when viewed from the west and from the railway line. There are also more private views within the grounds of the House, experienced by visitors to the Hotel. These views as indicated in the Statement are 'impressive', both towards and from the House.

The proposals still seem to be at odds with the status of the site and its heritage value and the impact of any future development as outlined in 4.0.3 of the original Statement of Significance.

Much has been made of the quality of the huts, the materials etc and the works to improve the surrounding landscape. It is noted that the huts are visible from key points and views within and outside the Estate, but that over time these might 'harmonise' with the woodland belt and that over time landscaping and 'silvering' of the structures might help to reduce this impact.

It is agreed that the harm to the heritage asset could be partially mitigated by the measures suggested in the revised proposals. However, this does not alter the fact that had this application had the benefit of pre-application advice it is unlikely that it would have received overall support for the siting of shepherds huts within the grounds of the listed building, contrary to the contribution of the setting to the significance of the principal building. It is worth mentioning that the setting of the Hotel has been diminished over time, and that the presence of the shepherds huts further diminishes this planned landscape, again reducing the distinctive character and appearance of the grounds, and in effect losing further reference to its 'former grandeur'.

It is considered that the proposals do result in some harm to the Lady's Walk, its appearance and how it is experienced. This area does not necessarily require 'enlivenment' to improve the setting. It is not agreed that they enrich the wider landscape.

The shepherds huts and associated structures in terms of their location, appearance and construction, are an incongruous feature which impacts on the character, appearance, and significance of the Lady's Walk, the wider landscaped setting of the listed building.

They are an unfortunate addition to the gardens and result in harm to the significance of the setting of the listed building, contrary to Para 206 of the NPPF 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance....'

PROPOSAL UNACCEPTABLE

KBH
19/01/23

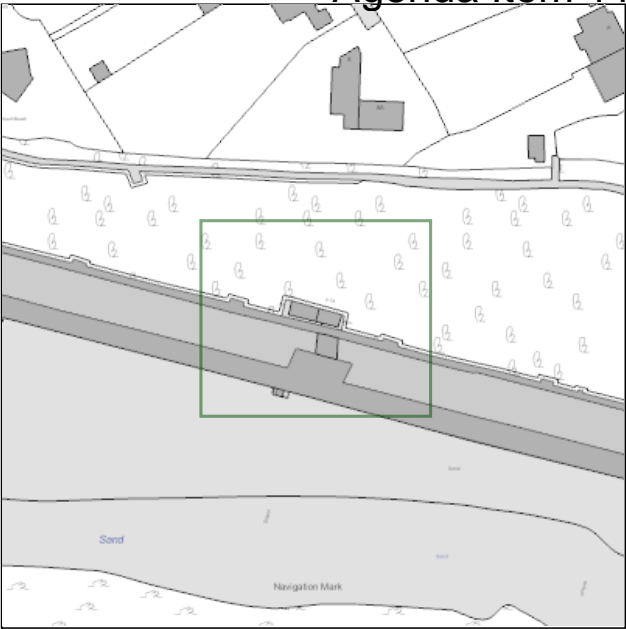
Ward Exmouth Littleham

Reference 24/2199/FUL

Applicant Tompot Blenny Ltd

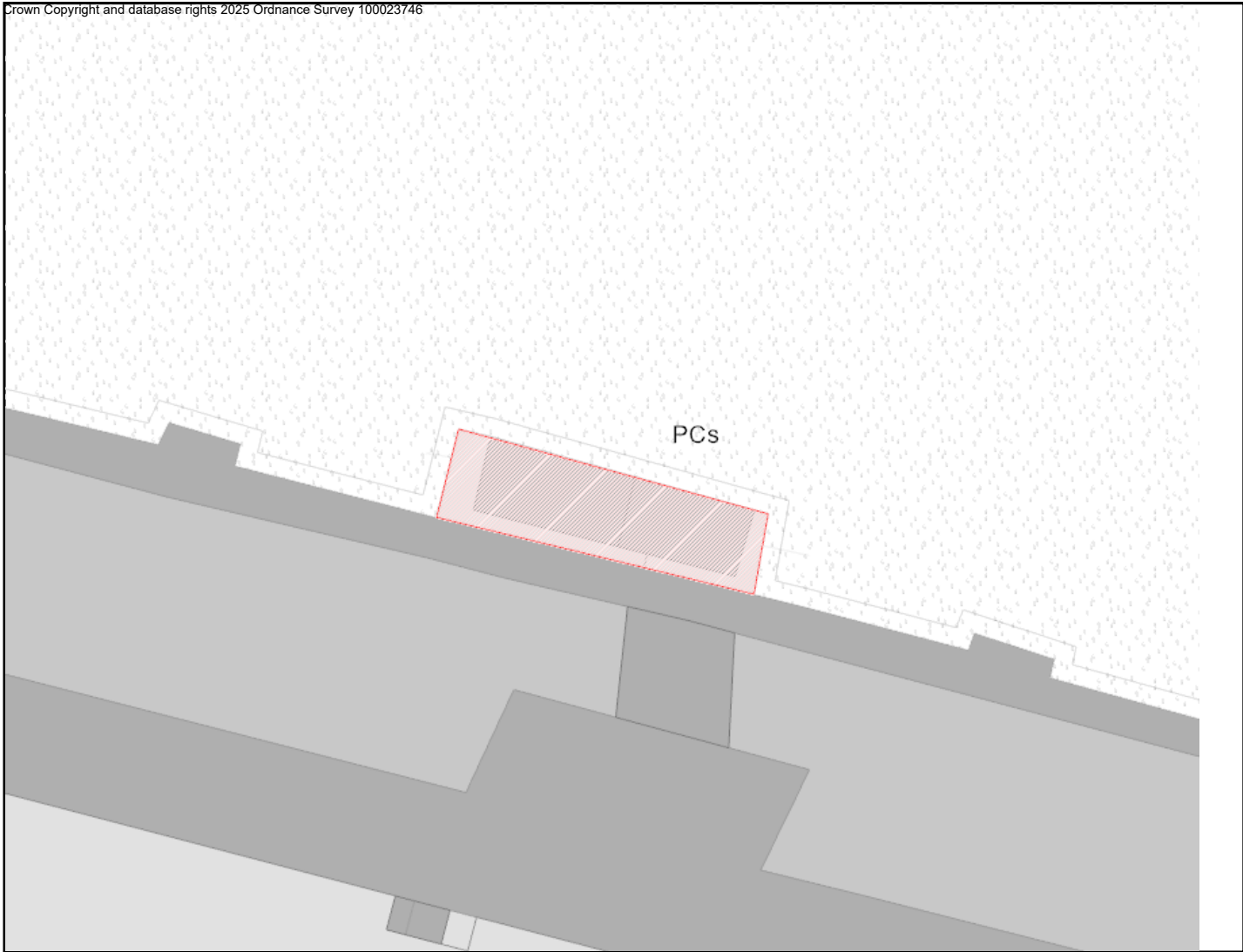
Location Toilets East End Queens Drive Exmouth

Proposal Change of use of existing public toilets into hot food take away. Partial demolition and new build extensions to provide storage and disabled toilet.



RECOMMENDATION: Approval with conditions

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		Committee Date: 22.04.2025
Exmouth Littleham (Exmouth)	24/2199/FUL	Target Date: 25.04.2025
Applicant:	Tompot Blenny Ltd	
Location:	Toilets East End Queens Drive	
Proposal:	Change of use of existing public toilets into hot food take away. Partial demolition and new build extensions to provide storage and disabled toilet.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal relates to a property that is owned by East Devon District Council and objections have been received.

The site is located on the seafront, at the east end of Queens Drive. The existing building is a block of male and female toilets. The surrounding land is largely flat in front, rising to the rear of the building, and Exmouth beach is on the opposite side of the road to the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. The site of this development lies just outside the designations. The site is within the National Landscape (AONB).

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, and has no residential properties adjoining it.

The proposal is for a change of use to a café, two small extensions to create a bin store, and publicly accessible toilet, and alterations to create serving hatch and pv panels and extract unit on the roof.

Given the location of the site, the change of use is considered acceptable, with minimal visual impact and conditions to ensure materials and extraction system are appropriate to ensure protection of the adjacent marine environment.

CONSULTATIONS

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Parish/Town Council

Meeting 03.02.25

No objection; however, members expressed concern over the loss of public toilet facilities and the potential risk to Blue Flag accreditation. The application did not clearly indicate whether access to the disabled toilet was restricted (e.g., Radar key) or available to all.

South West Water

No objections

Other Representations

50 Objections on the following grounds:

- Loss of toilets
- Discriminatory to provide disabled toilet not men and womens.
- Increase in litter.
- Accident and traffic risk from queues.
- Not a great café offering and there should be more toilets.
- Increase in competition

1 representation

1 Support

PLANNING HISTORY

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 33 (Promotion of Tourism in East Devon) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness) Adopted

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) Adopted

EN14 (Control of Pollution) Adopted

EN21 (River and Coastal Flooding) Adopted

RC6 (Local Community Facilities) Adopted

RC7 (Shared Community Facilities) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft

Strategic Policy AR01 (Flooding) Draft

Policy SE10 (Sustainable tourism) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Site Location and Description

The site is located on the seafront, at the east end of Queens Drive, Exmouth. The existing building is a single storey block of male and female toilets. The surrounding land is largely flat in front, rising to the rear of the building, and Exmouth beach is on the opposite side of the road to the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and

a Special Protection Area. The site of this development lies just outside the designations. The site is within the National Landscape (AONB).

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth and has no other properties adjoining it.

This application seeks planning permission to convert and slightly extend the building to create a hot food takeaway with a single, publicly accessible unisex disabled toilet provision and storage. To achieve this it is proposed to extend a small amount at the ends of the building on to the existing single storey building. The new floor plan will accommodate an open plan kitchen and serving area, staff toilet, and cold stores, and accessible from the outside, at road level, a bin store and accessible toilet for the public. The total floor area would be 56.5 square metres, 9.29 square metres larger than existing.

As part of the adaptations, the existing frontage would be altered to create a serving window opening set within a corten steel fascia area. and the rest of the building will be timber clad with a GRP roof and a painted brick section with graphics painted on. At road level, there will be access to doors into the bin store and toilet, at either end of the building.

There would be a photovoltaic array on the roof and rainwater recycling to flush toilets. There would also be a powder coated aluminium screen around the extract ventilation system.

The main issues concerning this proposal are the principle of the development, and the impact on the location.

Background

The public toilets were, in December 2021, agreed for closure in March 2025 by EDDC Cabinet, informed by Overview Committee in November, following public consultation between July and October 2021. It was agreed the toilets would close in March 2025.

There has been lengthy exploration of leasing the building, and this proposed development would include, within the lease, the requirement for the provision of a public access toilet at the site. There would otherwise be no provision in this location, from March 2025.

The principle of the development

The site lies within the Built Up Area Boundary of Exmouth where the principle of development is acceptable subject to all other material planning considerations

Policy RC6 of the Local Plan states that planning permission will not be granted for developments that would result in the loss or closure of a community facility unless the community facility is no longer needed or is not viable or an alternative facility of equal or higher value is being provided.

A decision has been made by this Council to close the toilets irrespective of whether the site will be redeveloped. Therefore, this development will not in itself result in the loss of the toilet facility but will result in the provision of a single accessible toilet where otherwise there would be none.

Policy E2, Employment Generating Development in Built Up Areas, states that new businesses will be permitted where the following criteria are met:

1. Where practical it is accessible by pedestrians, cyclists and public transport.
2. It would not generate traffic of a type or amount inappropriate for the character of access roads or require improvements that would damage the character of those roads.
3. It would not harm the character or setting of local settlements or the amenity of nearby residents.
4. It would not harm any site of nature conservation value or archaeological importance or any building of architectural or historic interest.
5. It would blend into the landscape and/or townscape in terms of design, siting and materials

These criteria are addressed in more detail below where relevant, but in summary the development is considered to comply with Policy E2

Design and Landscape Impact

Strategy Policy 46 - Landscape Conservation and Enhancement and AONBs

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. Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well being of the area.

When considering development in or affecting National Landscapes (AONBs), great weight will be given to conserving and enhancing their natural beauty and major development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB. The current Area of Outstanding Natural Beauty Management Plans, the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment & Management Guidelines 2008 and the Devon County Council Landscape Character Areas Assessment should be used in design and management considerations.

The roof of the toilet block is flat and the frontage is evenly balanced aesthetically. Currently, therefore, the toilet block is an unobtrusive building which does not negatively impact on the amenity of this stretch of the sea front.

The proposal would have a small flat roofed section added at each end of the building, to provide the store and toilet. On the roof would be hit and miss horizontal powder coated steel to contain and conceal the extraction unit. An advert is proposed on the roof but this will require separate advertisement consent. Consequently, it would not appear dominant or overbearing

The proposed alterations to the building, using natural timber cladding and contemporary motifs are considered to conserve the National Landscape and will be sympathetic with the character of the area. The landscape quality of the area will not be impacted by this change in the use of the building, and the renovated building, and its ongoing use would be of benefit to the economy of the area.

Ecology

There would be no likely significant effects on the SSSI or other designations as the renovation of the building is within the land area of the existing building. There is no loss of habitat, and the parameters of the building are similar to that in existence. There would be no increase in sewerage capacity etc required.

Impact on Amenity

The site lies within the isolated area of Exmouth Seafront, with no adjacent neighbours as it is set into the scrubby bank at the shore side of the road. The building is set slightly above pavement height, with an outlook to the beach.

There are no properties near enough to be adversely affected by either noise or odour arising from the development

Waste Management

There are bins along the seafront approximately every 80 or so metres, and the café management will supply a bin for their opening hours, which is then stored in a locked store, for commercial removal.

Flood Risk

The site is located in Flood Zone 2 and 3. The building is already in situ, therefore the vulnerability of the use of site needs to be taken into account. The use is classed as Less Vulnerable, as before with the toilets and is acceptable to operate in FZ 2 and 3, and the exception test is not required, and meets the EA standing Advice, and sequential approach.

Other matters

The installation of grey water recycling for flush use, and the PV units on the roof of the building ensure the prudent use of natural resources. The renovation of the building will ensure a high quality environment for the employees, of which there are 15 FT equivalent positions to be created.

Concerns have been raised regarding the closure of the public toilets, however that has been covered earlier in the report as a Cabinet decision to close during March 2025. The closure of the toilets is not a planning matter in hand. This proposal offers a unisex accessible toilet provision for the opening hours of the cafe.

The competition between café outlets along the seafront is not a planning matter.

The site is in FZ 2 and 3 and the café owner will be logged in to the advanced warning system from the EA.

There is a wide pavement to the front of the building and the sea front the other side of the road. There is not considered to be any concern

Conclusion

The proposal would provide a viable long-term use for this now redundant building which would make a positive impact on the local economy through employment and by providing an attractive facility for residents and visitors. The alterations to the building are sympathetic. In addition the development will deliver a toilet in an accessible location where otherwise there would be none. As such the development accords with the development plan and is considered to be acceptable.

RECOMMENDATION

Approval subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

- 3 Full details of extract ventilation equipment designed to deal with cooking odours, including details of the manufacturer's recommendations for cleaning and maintenance, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Prior to the opening of the take-away section of the premises to customers for the sale of hot food, the equipment shall be fully

installed and tested and shall thereafter be cleaned and maintained all in accordance with the approved treatment scheme, and used at all times when cooking is taking place.

(Reason - To avoid odours detrimental to the living conditions of occupiers of other premises in the locality in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to their installation, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development including details of the materials, colour and finish of the fish mural, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemptions 4.2 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the

Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

	Flood Risk Assessment	14.01.25
221002 P 002	Proposed Floor Plans	17.10.24
	Location Plan	22.11.24

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.