

Agenda for Planning Committee Tuesday, 18th November, 2025, 10.00 am

Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown,
S Chamberlain, M Chapman, B Collins,
O Davey (Chair), P Faithfull, S Gazzard,
M Howe, S Hughes, Y Levine, S Smith and
E Wragg (Vice-Chair)

Venue: Council Chamber, Blackdown House, Honiton

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
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(or group number 01395 517546)

Issued: Friday, 7 November 2025



East Devon District Council
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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 Tuesday, 11 November 2025 up until 12 noon on Friday, 14 November 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 for the applications (Pages 4 - 5)

Speakers' list for the applications.

2 Minutes of the previous meetings (Pages 6 - 12)

Minutes of the Planning Committee meeting held on 23 September 2025 and 21 October 2025

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 13 - 37)

Update from the Development Manager

Applications for Determination

8 25/0057/OUT (Minor) WEST HILL & AYLESBEARE (Pages 38 - 80)

Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG.

Please note that this is a deferred application and public speaking will not be reopened.

9 25/1487/PIP (Other) CLYST VALLEY (Pages 81 - 96)

Land adjoining Shepherds Court, Lower Lane, Ebford.

Please note that this is a deferred application and public speaking will not be reopened.

- 10 **25/1180/FUL (Minor) NEWTON POPPLEFORD & HARPFORD** (Pages 97 - 114)

Elmside, Newton Poppleford, EX10 0BY.

- 11 **25/1638/FUL (Minor) NEWTON POPPLEFORD & HARPFORD** (Pages 115 - 124)

29 Glebelands, Newton Poppleford, EX10 0HB.

The applications below will not be considered before 1.30pm

- 12 **25/1034/FUL (Other) BEER & BRANSCOMBE** (Pages 125 - 146)

The Sea Shanty, Branscombe, Seaton, EX12 3DP.

- 13 **25/1409/FUL (Minor) EXMOUTH TOWN** (Pages 147 - 165)

Flat 1, 8 Church Street, Exmouth, EX8 1PE.

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

Speakers' list for the planning applications

Agenda item 8

Application number: 25/0057/OUT **(Minor)** Pages 38 - 80

Ward: West Hill & Aylesbeare

Address: Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG

Ward Member: Councillor Jess Bailey

Please note that this is a deferred application and public speaking will not be reopened

Agenda item 9

Application number: 25/1487/PIP **(Other)** Pages 81 - 96

Ward: Clyst Valley

Address: Land adjoining Shepherds Court, Lower Lane, Ebford.

Committee Ward Member: Councillor Mike Howe

Please note that this is a deferred application and public speaking will not be reopened

Agenda item 10

Application number: 25/1180/FUL **(Minor)** Pages 97 - 114

Ward: Newton Poppleford & Harford

Address: Elmside, Newton Poppleford, EX10 0BY

Ward Member: Councillor Chris Burhop

Newton Poppleford & Harford Parish Council	Councillor Susan Tribble
Agent	Representative from Bondstones
Ward Member	Councillor Chris Burhop

Agenda item 11

Application number: 25/1638/FUL **(Minor)** Pages 115 - 124

Ward: Newton Poppleford & Harford

Address: 29 Glebelands, Newton Poppleford, EX10 0HB

Ward Member: Councillor Chris Burhop

Newton Poppleford & Harford Parish Council	Councillor Susan Tribble
Agent	Alistair Powe
Ward Member	Councillor Chris Burhop

The application below will not be considered before 1.30pm

Agenda item 12

Application number: 25/1034/FUL (Other) Pages 125 - 146

Ward: Beer & Branscombe

Address: The Sea Shanty, Branscombe, Seaton, EX12 3DP

Ward Member: Councillor John Heath

Branscombe Parish Council	Councillor Mike Pellatt
Agent	Mathew Dalton-Aram Tel: 01297 232 61

Agenda item 13

Application number: 25/1409/FUL (Minor) Pages 147 - 165

Ward: Exmouth Town

Address: Flat 1, 8 Church Street, Exmouth, EX8 1PE

Ward Member: Councillor Joe Whibley

Committee Ward Member: Councillor Olly Davey / Councillor Eileen Wragg

Objector	Marion Dixon
Applicant	Mark Williams Tel: 07775 336 779

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 23 September 2025

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.58 am

26 Minutes of the previous meeting

The minutes of the Planning Committee held on 19 August 2025 were confirmed as a true record.

27 Declarations of interest

Minute 31. 22/2306/MRES & 22/2354/MFUL (Major) BROADCLYST.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Olly Davey, on behalf of the Committee, advised lobbying in respect of this application.

28 Matters of urgency

There were no matters of urgency.

29 Confidential/exempt item(s)

There were no confidential or exempt items.

30 Planning appeal statistics

The Committee noted the appeal statistics report which detailed appeal decisions taken since the last Planning Committee.

31 22/2306/MRES & 22/2354/MFUL (Major) CRANBROOK

22/2306/MRES (Major) CRANBROOK

Applicant:

East Devon Community Partners

Location:

Land to the North of Tillhouse Road, Cranbrook

Proposal:

Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (11, 22, 23, 28, 36 and 37).

RESOLVED:

Approved as per officer recommendation subject to the adoption of an Appropriate Assessment and completion of a Section 106 Agreement and conditions including:

1. An additional condition in relation to 'Water Conservation and the use of Water Butts' with wording to be delegated to the Development Manager.
2. Deletion of Condition 11.

22/2354/MFUL (Major) CRANBROOK

Applicant:

Persimmon Homes South West

Location:

Tillhouse Road, Cranbrook

Proposal:

Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities).

RESOLVED:

Approved as per officer recommendation subject to the adoption of an Appropriate Assessment and completion of a Section 106 Agreement and conditions including:

1. An additional condition in relation to 'Water Conservation and the use of Water Butts' with wording to be delegated to the Development Manager.
2. Deletion of Condition 13.

32 **23/0554/MFUL (Major) CRANBROOK**

Applicant:

Taylor Wimpey UK Ltd

Location:

Land Off Court Royal and Badger Way

Proposal:

Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities).

RESOLVED:

Approved as per officer recommendation subject to the adoption of an Appropriate Assessment and completion of a Section 106 Agreement and conditions including an additional condition in relation to 'Water Conservation and the use of Water Butts' with wording to be delegated to the Development Manager.

33 **25/0081/FUL (Other) NEWTON POPPLEFORD & HARPFORD**

Applicant:

East Devon District Council

Location:

1 School Lane, Newton Poppleford

Proposal:

Single storey side extension, remove existing chimney externally, off street parking space and external ramps for disabled adaptation.

RESOLVED:

Approval with conditions in accordance with officer recommendation.

34 **25/0810/FUL (Other) SIDMOUTH TOWN**

Applicant:

Cllr Mike Goodman

Location:

Church Cottage, Church Lane, Sidmouth

Proposal:

The retention of fencing, and proposed erection of picket fence.

RESOLVED:

Approval with conditions in accordance with officer recommendation.

Attendance List

Councillors present:

B Bailey
I Barlow
K Bloxham
C Brown
B Collins
O Davey (Chair)
P Faithfull
S Hughes
S Smith
E Wragg (Vice-Chair)

Councillors also present (for some or all the meeting)

A Bailey
R Collins

Officers in attendance:

Thea Billeter, Cranbrook New Community Manager
Ben Chesters, Planning Officer
Amanda Coombes, Democratic Services Officer
Liam Fisher, Senior Planning Officer
Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
Emerald McGuire-Febey, Assistant Planning Officer

Councillor apologies:

M Chapman
S Gazzard
M Howe

Y Levine

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 October 2025

Attendance list at end of document

The meeting started at 10.00 am and ended at 3.10 pm. The meeting was adjourned for lunch at 1.50 pm and the afternoon session reconvened at 2.32 pm.

35 Minutes of the previous meeting

Deferred to the next meeting to allow for the correction of an error.

36 Declarations of interest

Minute 40. 23/2627/MFUL (Major) WOODBURY & LYMPSTONE.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Olly Davey, on behalf of the Committee, advised lobbying in respect of this application.

Minute 41. 25/1487/PIP (Other) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Ward Member.

37 Matters of urgency

There were no matters of urgency.

38 Confidential/exempt item(s)

There were no confidential or exempt items.

39 Planning appeal statistics

The Committee noted the appeal statistics report. The Development Manager gave a brief update on the ongoing appeals noting that two appeals submitted by FWS Carter & Sons (references 24/F0114 and 22/F0379) were being heard this week at a public inquiry. The Committee also noted that the Planning Inspector had decided to consider two battery storage appeals (reference 24/0096/MFUL and 24/2067/MFUL) through a combined public inquiry rather than by written representations as originally indicated in the report.

40 23/2627/MFUL (Major) WOODBURY & LYMPSTONE

Applicant:

Goosemoor Ltd.

Location:

Land north-east of Parkfield Cottages, Pink House Corner, Lymington.

Proposal:

Construction of proposed 'Educatering' facility (Use Class E(g) and B8) including parking, access, area for growing crops and landscaping.

RESOLVED:

Refused in accordance with officer recommendation.

41 **25/1487/PIP (Other) CLYST VALLEY**

Applicant:

Mr Ian White (RBL Homes).

Location:

Land adjoining Shepherds Court, Lower Lane, Ebford.

Proposal:

Permission in principle for the erection of 5 self-build dwellings.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Deferred for a site visit to enable Members to fully consider the impact on the character of the area.

42 **25/1279/OUT (Other) DUNKESWELL & OTTERHEAD**

Applicant:

Mr M Hale (All Trust).

Location:

Honiton Inn, Awliscombe, Honiton, EX14 3PJ.

Proposal:

Demolition of existing public house and erection of 5 dwellings (outline planning application with all matters reserved).

RESOLVED:

Approved with conditions in accordance with officer recommendation.

43 **25/0057/OUT (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr Paul Hunt.

Location:

Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG.

Proposal:

Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved for landscaping).

RESOLVED:

Deferred for a site visit to allow Members to fully understand the impact on the character of the area.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
I Barlow
K Bloxham
M Chapman
B Collins
O Davey (Chair)
P Faithfull
D Haggerty
M Howe
S Hughes
Y Levine
S Smith
E Wragg (Vice-Chair)

Councillors also present (for some or all the meeting)

R Collins
B Ingham
G Jung

Officers in attendance (for some or all the meeting)

Ed Freeman, Assistant Director Planning Strategy and Development Services
Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
Wendy Harris, Democratic Services Officer
Gareth Stephenson, Principal Planning Officer

Councillor apologies:

C Brown
S Chamberlain
S Gazzard

Chairman

Date:

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

Ref: 25/1291/ADV **Date Received** 18.09.2025
Appellant: Wildstone Estates Limited
Appeal Site: Oakland Service Station Sidmouth Road Aylesbeare Exeter
EX5 2JJ
Proposal: Erection of an illuminated D6 small format advertisement
display
Planning APP/U1105/Z/25/3373281
Inspectorate Ref:

Ref: 25/0682/PIP **Date Received** 30.09.2025
Appellant: Mr May
Appeal Site: Land West of Rewe Cross Green Lane Netherexe
Proposal: Planning in principle for the erection of a minimum of 1no.
and a maximum of 4no. affordable self-build (SCB) dwellings
6000858
Planning
Inspectorate Ref:

Ref: 25/1422/FUL **Date Received** 09.10.2025
Appellant: Mr & Mrs Kirk
Appeal Site: 2 Sidlands Sidmouth Devon EX10 8UE
Proposal: Increase in roof pitch, addition of dormers to the South
elevation, roof lights on the North elevation and addition of
cladding.
6001019
Planning
Inspectorate Ref:

Ref: 25/0675/FUL **Date Received** 23.09.2025
Appellant: Mr N Hillier
Appeal Site: Sidmouth Garage Connaught Road Sidmouth EX10 8TT
Proposal: Conversion of existing building to ground floor flat. Demolition
of workshops to be replaced with new dwelling and staircase
to existing first floor flat.
6000799
Planning
Inspectorate Ref:

Ref: 25/0950/FUL **Date Received** 07.10.2025
Appellant: Ms Emma Harries
Appeal Site: Pulmans Farm Beacon Honiton EX14 4TX
Proposal: Replacement of extension to rear (retrospective).
6001090
Planning
Inspectorate Ref:

Ref: 25/0946/LBC **Date Received** 07.10.2025
Appellant: Ms Emma Harries
Appeal Site: Pulmans Farm Beacon Honiton EX14 4TX
Proposal: Replacement of extension to rear (retrospective).
Planning 6000978
Inspectorate Ref:

Ref: 23/1277/FUL **Date Received** 09.10.2025
Appellant: Miss Julie Rhodes
Appeal Site: Bystock Court Old Bystock Drive Exmouth Devon EX8 5EQ
Proposal: Proposed 4 no. cottages
Planning 6001016
Inspectorate Ref:

Ref: 24/2290/FUL **Date Received** 16.10.2025
Appellant: Will Hallett
Appeal Site: Land Adjacent Grove Cottage Shute
Proposal: Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works
Planning 6001134
Inspectorate Ref:

Ref: 25/0609/PDQ **Date Received** 22.10.2025
Appellant: Mr Rupert Thistlewayte
Appeal Site: Land Opposite Cadhay Barton Cadhay Ottery St Mary
Proposal: Prior approval for the change of use of 2no. agricultural buildings into 3no. residential dwelling and associated operation development to enable the buildings to function as dwellinghouses
Planning 6001237
Inspectorate Ref:

Ref: 25/1062/FUL **Date Received** 26.10.2025
Appellant: Mr Steve Richards
Appeal Site: Land South of 15 Halsdon Avenue Exmouth
Proposal: To erect a single-storey 1-bed detached dwelling with associated amenity space.
Planning 6001291
Inspectorate Ref:

Ref: 25/1228/PIP **Date Received** 27.10.2025
Appellant: Mr S Wright
Appeal Site: Cherrytrees 25 Village Way Aylesbeare Exeter EX5 2FD
Proposal: Permission in principle for the erection of 2no. self-build dwellings and associated works
Planning 6001310
Inspectorate Ref:

Ref: 25/1001/FUL **Date Received** 28.10.2025
Appellant: Simon and Sue Potter
Appeal Site: Northleigh Farm Northleigh Devon EX24 6BL
Proposal: Proposed conversion of a redundant agricultural building to form 1 no. self-build residential dwelling and associated works
Planning 6001320
Inspectorate Ref:

Ref: 25/1102/FUL **Date Received** 29.10.2025
Appellant: Mr Pincombe
Appeal Site: Longbrook Cottage Longbrook Lane Lymptstone Exmouth EX8 5LJ
Proposal: Proposed two storey rear extension and landscaping provision.
Planning 6001341
Inspectorate Ref:

Ref: 24/0785/FUL **Date Received** 29.10.2025
Appellant: Mr Stephen Drinkall
Appeal Site: Flat, The York Inn 21 Imperial Road Exmouth EX8 1BY
Proposal: 2no proposed one-bedroom apartments over an existing public house
Planning 6001345
Inspectorate Ref:

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

Ref: 24/1052/FUL **Appeal Ref:** 25/00042/REF
Appellant: Mr and Mrs R and J Courtney
Appeal Site: Oak Lodge Whimble EX5 2PD
Proposal: Siting of timber static unit as annexe for use by commercial business visitors to Courtneys of Whimble only
Decision: **Appeal Dismissed** **Date:** 07.10.2025
Procedure: Written representations
Remarks: Delegated refusal, countryside protection reasons upheld (EDLP Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/W/25/3367103
Inspectorate Ref:

Ref: 25/0583/FUL **Appeal Ref:** 25/00047/REF
Appellant: Mr Stoykov
Appeal Site: Pitney Water Storage Tank Broadhembury
Proposal: The conversion and extension of the existing building to provide a two-bedroom dwelling and the erection of a double garage.
Decision: **Appeal Dismissed** **Date:** 15.10.2025
Procedure: Written representations
Remarks: Delegated refusal, landscape and accessibility reasons upheld (EDLP Policies D1, D8, TC2, Strategies 1, 7, 46).
BVPI 204: **Yes**
Planning APP/U1105/W/25/3368734
Inspectorate Ref:

Ref:	25/0996/FUL	Appeal Ref:	25/00059/HH
Appellant:	Mr & Mrs David & Heather Triggs		
Appeal Site:	Gledhow Hand And Pen Lane Whimble Devon EX5 2PX		
Proposal:	Construction of detached double garage (partially retrospective)		
Decision:	Appeal Allowed (with conditions)	Date:	15.10.2025
Procedure:	Householder		
Remarks:	Delegated refusal, amenity reasons overruled (EDLP Policy D1, Strategy 7).		

The Inspector acknowledged that due to the proposal's location to the front of the host dwelling, it is rather prominent despite being screened by mature planting. Nevertheless, the Inspector considered that the scale of the proposal, when viewed in the context of adjacent dwellings, is such that it is visually subservient to the host dwelling and clearly read as a domestic garage. In addition, due to the proliferation of pitch roofs and variation of design of buildings in the area, the simple pitch roof design would not appear incongruous. Although the materials do not reflect that of the host dwelling, the shiplap cladding would effectively soften the visual appearance of the proposal and would not be out of character in this semi-rural setting.

The Inspector concluded that proposal does not harm the character and appearance of the area and would accord with Strategy 7 and Policy D1 of the East Devon Local Plan 2013-2031.

BVPI 204:	Yes
Planning	APP/U1105/D/25/3370945
Inspectorate Ref:	

Ref:	25/0162/FUL	Appeal Ref:	25/00049/HH
Appellant:	Mr Robert Davis		
Appeal Site:	The Cottage 9 Withycombe House Hillcrest Gardens Exmouth EX8 4FF		
Proposal:	Retrospective application to retain wooden boundary fence		
Decision:	Appeal Allowed	Date:	16.10.2025
	(with conditions)		
Procedure:	Householder		
Remarks:	Delegated refusal, conservation reasons overruled (EDLP Policies EN8, EN9, emerging LP Policies HE01, HE02, NP Policy EB1).		

The Inspector considered that the fencing is modest in height, separated from the heritage asset by laurel hedging, and due to trellis across the top section has limited solidity. Moreover, the black colour provides a suitable transition with the existing estate style fencing. Furthermore, the materials are not so unusual or uncharacteristic that they fail to preserve the setting or otherwise reduce the ability to appreciate the significance of the heritage asset.

The Inspector concluded that the fencing has a neutral impact on the setting of the Grade II listed Withycombe House and the development accords with policies EN8 and EN9 of the East Devon Local Plan 2013 to 2031, and Policy EB1 of the Exmouth Neighbourhood Plan 2018-2031. These policies seek, amongst other matters, to ensure development conserves heritage assets. Furthermore, the proposal would accord with policies HE01 and HE02 of the emerging East Devon Local Plan 2020-2042 which similarly seek to conserve the significance of heritage assets.

BVPI 204: **Yes**
Planning APP/U1105/D/25/3368947
Inspectorate Ref:

Ref:	23/1770/AGR	Appeal Ref:	25/00041/REF
Appellant:	L Lush		
Appeal Site:	Blackenfields Farm Luppitt EX14 4UB		
Proposal:	Erection of a general-purpose agricultural building		
Decision:	Appeal Dismissed	Date:	17.10.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, landscape reasons upheld (EDLP Policy D7, Strategies 7, 46. NP policies NE1, ND2, ND6).		
BVPI 204:	No		
Planning	APP/U1105/A/25/3367089		
Inspectorate Ref:			

Ref:	24/2515/PIP	Appeal Ref:	25/00054/REF
Appellant:	Mr Simon Wagemakers (Ambergate Planning & Development)		
Appeal Site:	Land At Slade Farm Slade Road Ottery St Mary		
Proposal:	Permission in principle for residential development of up to 9 dwellings		
Decision:	Appeal Allowed (no conditions)	Date:	21.10.2025
Procedure:	Written representations		
Remarks:	Officer recommendation to approve, Committee refusal, landscape, amenity and best and most versatile agricultural land reasons overruled (EDLP Policies D1, EN13, NP Policy NP1).		

The Inspector found that that the proposal would accord with LP Policy EN13 which seeks to conserve and protect the highest grades of agricultural land. However, when considered against the development plan as a whole, the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP Policy D1 and Policy NP1 of the Ottery St. Mary and West Hill Neighbourhood Plan. These policies seek, amongst other matters, to maintain the rural character of the area.

However, the Council is unable to demonstrate a five-year housing land supply and in these circumstances the presumption in favour of sustainable development outlined in Paragraph 11d) ii of the National Planning Policy Framework (Framework) is engaged.

The Inspector concluded that the proposal would conflict with the development plan, read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is allowed.

BVPI 204:	Yes
Planning	APP/U1105/W/25/3369603
Inspectorate Ref:	

Ref:	24/2618/FUL	Appeal Ref:	25/00036/COND
Appellant:	Mr R Eley		
Appeal Site:	Land Adjacent to River Sid Fortescue Road Sidmouth		
Proposal:	Bridge over the river on private land		
Decision:	Appeal Allowed	Date:	22.10.2025
	(with conditions)		
Procedure:	Written representations		
Remarks:	Appeal against a condition imposed on the grant of planning permission. The condition relates to the installation of signage to warn users of the bridge of potential flood risks.		
	The Inspector acknowledged that the appeal site lies within flood zone 3, with a high probability of flooding.		
	The appeal is allowed because the Inspector amended the wording of the condition previously imposed. However, the condition remains broadly intact.		
BVPI 204:	No		
Planning	APP/U1105/W/25/3364947		
Inspectorate Ref:			

Ref:	25/0296/ADV	Appeal Ref:	25/00044/ADVREF
Appellant:	Mr Oliver Bridge		
Appeal Site:	Unit 6 And 7 Sideshore Queens Drive Exmouth EX8 2GD		
Proposal:	Proposed 2no. illuminated signs		
Decision:	Appeal Dismissed	Date:	22.10.2025
Procedure:	Commercial		
Remarks:	Delegated refusal, amenity reasons upheld (EDLP Policy D4).		
BVPI 204:	No		
Planning	APP/U1105/Z/25/3368112		
Inspectorate Ref:			

Ref:	24/1900/FUL	Appeal Ref:	25/00025/REF
Appellant:	Mr S Conway		
Appeal Site:	Land south of Hillside Salcombe Regis		
Proposal:	Agricultural storage building (resubmission of 23/1161/FUL)		
Decision:	Appeal Dismissed	Date:	27.10.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, agricultural justification and landscape reasons upheld (EDLP Policy D7, Strategies 44, 46).		
BVPI 204:	Yes		
Planning	APP/U1105/W/25/3365290		
Inspectorate Ref:			

Ref:	24/2174/VAR	Appeal Ref:	25/00052/COND
Appellant:	Mr Gary Burns		
Appeal Site:	Salcombe Regis Camping and Caravan Park Salcombe Regis Sidmouth EX10 0JH		
Proposal:	Variation of condition no.2 of planning permission ref. 88/P1063 to allow all year-round holiday use of caravans		
Decision:	Appeal Allowed (with conditions)	Date:	27.10.2025
Procedure:	Written representations		
Remarks:	Application for a full award of costs against the Council allowed.		

The appeal is against part of condition no. 2 imposed on the grant of planning permission, restricting the use of the caravans to holiday accommodation. The part of the condition subject of the appeal is that - *no individual shall stay/reside within the site for more than 25 weeks in any 12-month period.*

The Inspector considered that the main issue is whether the condition is necessary, relevant to the development to be permitted and precise, reasonable and enforceable having regard to the appeal site location.

The Inspector concluded that Condition 2 is relevant to the development to be permitted but found that the 25-week restriction is not required to make the development acceptable and is therefore not necessary or reasonable. However, given the location of the appeal site, a condition is required to ensure that the caravan accommodation is used for holiday purposes only.

The Inspector varied the planning permission by deleting the disputed condition and substituting it with a new condition.

Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The Inspector considered that by imposing a condition that was not wholly necessary or reasonable, the Council's behaviour was unreasonable in this respect. This resulted in unnecessary expense given that the appeal could have been avoided had the condition in the form imposed by the Council never been imposed.

The Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had occurred and a full award of costs was therefore warranted.

BVPI 204:	No
Planning	APP/U1105/W/25/3369422
Inspectorate Ref:	

Ref: 25/0539/PDMA **Appeal Ref:** 25/00046/REF
Appellant: Mr Kevin Morley
Appeal Site: The Pharmacy Ltd. Fore Street Beer Seaton EX12 3JJ
Proposal: Prior approval for the change of use of the ground floor from commercial, business, and services (Class E) to 1no. self-contained flat (Use Class C3) - resubmission of ref. 25/0219/PDMA.
Decision: **Appeal Dismissed** **Date:** 28.10.2025
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld.

The Inspector agreed with the Council that that the proposed change of use would harm the character and sustainability of the Beer Conservation Area. As such, the proposal would fail to satisfy condition MA.2 (2)(e) of the GPDO.

The Inspector also concluded that in the absence of robust evidence to the contrary, future occupiers would be at risk of flooding and therefore, the proposal would fail to satisfy condition MA.2 (2)(c) of the GPDO.

BVPI 204: **No**
Planning APP/U1105/W/25/3368560
Inspectorate Ref:

Ref: 25/0035/PDQ **Appeal Ref:** 25/00021/REF
Appellant: Mr R May
Appeal Site: Oakhay Barton Stoke Canon Exeter EX5 4ED
Proposal: Prior approval (Class Q) for a change of use of a building as an agricultural unit to 5no. dwellinghouses (Use Class C3)
Decision: **Appeal Dismissed** **Date:** 30.10.2025
Procedure: Written representations
Remarks: Delegated refusal.

The Inspector agreed with the Council that the extent of the proposed works would not fall within the terms of the permitted development rights as set out in Schedule 2, Part 3, Class Q of the Order.

BVPI 204: **No**
Planning APP/U1105/W/25/3364022
Inspectorate Ref:

Ref: 25/0197/FUL **Appeal Ref:** 25/00033/REF
Appellant: Mr and Mrs Vaughan
Appeal Site: 13A High Street Budleigh Salterton EX9 6LD
Proposal: Proposed replacement windows to front (north) elevation
Decision: **Appeal Dismissed** **Date:** 30.10.2025
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies EN9, EN10).

BVPI 204: **Yes**
Planning APP/U1105/W/25/3365655
Inspectorate Ref:

Ref:	25/0134/LBC	Appeal Ref:	25/00038/LBCREF
Appellant:	Miss Joanne Nosworthy		
Appeal Site:	3 School Cottages Woodbury Salterton Exeter EX5 1PG		
Proposal:	Install 6no. solar panels on rear southeast elevation		
Decision:	Appeal Dismissed	Date:	30.10.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, conservation reasons upheld (EDLP Policies EN9, EN10, emerging LP Policies HE01, HE02).		
BVPI 204:	No		
Planning	APP/U1105/Y/25/3366515		
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: 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/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: 24/1150/FUL
Appeal Ref: APP/U1105/W/25/3364822
Appellant: Mr A Randall
Address: Roseleigh Church Road Colaton Raleigh Devon EX10 0LH
Proposal; Proposed dwelling with associated driveway and private garden
Start Date: 1 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 May 2025
Statement Due Date: 5 June 2025

App.No: 24/1278/FUL
Appeal Ref: APP/U1105/W/25/3364929
Appellant: Tim and Libby Read
Address: Land Adjacent Upper Spilsby Exeter Road Ottery St Mary
Proposal; Construction of a new dwelling and associated landscaping
Start Date: 6 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 13 May 2025
Statement Due Date: 10 June 2025

Ref.No: 24/F0114
Appeal Ref: APP/U1105/C/25/3365463
Appellant: FWS Carter & Sons
Address: NHS Drive Through Vaccination Centre Greendale Farm
Sidmouth Road Farringdon Exeter
Proposal; Appeal against enforcement notice served in respect of the
retention of the building.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 21 October 2025

Ref.No: 22/F0379
Appeal Ref: APP/U1105/C/25/3365468
Appellant: FWS Carter & Sons
Address: Land north of unit 4 Greendale Farm Shop Sidmouth Road
Farringdon Exeter EX5 2JU
Proposal; Appeal against an enforcement notice served in respect of
the construction of a building on the land.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 21 October 2025

App.No: 24/1268/LBC
Appeal Ref: APP/U1105/Y/25/3365308
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 story extension with link Replacement of all windows, and front door
Start Date: 21 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 24/1267/FUL
Appeal Ref: APP/U1105/W/25/3365953
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 storey extension with link.
Start Date: 21 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 25/0649/CPL
Appeal Ref: APP/U1105/X/25/3368421
Appellant: Mr John Sidhu
Address: Bridewell Cottage Hawkchurch Axminster EX13 5XL
Proposal; Certificate of lawfulness for proposed repairs to Cottage as already approved per undertaking given in 1972 and since in detailed communications
Start Date: 2 July 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 July 2025
Statement Due Date: 6 August 2025

Ref.No: 22/F0373
Appeal Ref: APP/U1105/C/25/3368794
Appellant: Daren Richards
Address: Valley View Paddock, land adj. Huntsland Farm, Church Hill, Pinhoe
Proposal; Appeal against enforcement notice served in respect of unauthorised operational development and the material change of use of the land from agricultural use to a mixed use of agriculture and residential and storage.
Start Date: 11 July 2025
Procedure: Inquiry
Questionnaire Due Date: 25 July 2025
Statement Due Date: 22 August 2025
Inquiry Date: 4 November 2025

App.No: 24/2707/OUT
Appeal Ref: APP/U1105/W/25/3369108
Appellant: Mr Rory Bristow
Address: Springfield Oil Mill Lane Clyst St Mary Exeter EX5 1AG
Proposal; Outline proposal for a single detached dwelling, associated parking, garage and garden with all matters reserved other than access
Start Date: 16 July 2025
Procedure: Written reps.
Questionnaire Due Date: 23 July 2025
Statement Due Date: 20 August 2025

App.No: 24/2091/FUL
Appeal Ref: APP/U1105/W/25/3369195
Appellant: Edward Fane Trefusis
Address: Land east side of Oak Hill East Budleigh
Proposal; Change of use of land for the siting of three holiday cabins and conversion of existing forestry building to provide for holiday use, creation of parking area, bat building, bin storage and landscaping.
Start Date: 18 July 2025
Procedure: Written reps.
Questionnaire Due Date: 25 July 2025
Statement Due Date: 22 August 2025

App.No: 24/0096/MFUL
Appeal Ref: APP/U1105/W/25/3369854
Appellant: Clearstone Energy
Address: Land south of Hazelhurst Raymonds Hill Axminster
Proposal; Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.
Start Date: 25 July 2025
Procedure: Inquiry
Questionnaire Due Date: 1 August 2025
Statement Due Date: 29 August 2025

App.No: 24/2067/MFUL
Appeal Ref: APP/U1105/W/25/3369953
Appellant: Root Power (South) Ltd
Address: Land to the west of Wareham Road Scouse Farm Blackpool Corner Axminster EX13 5UE
Proposal; The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects
Start Date: 28 July 2025
Procedure: Inquiry
Questionnaire Due Date: 4 August 2025
Statement Due Date: 1 September 2025

App.No: 24/1798/FUL
Appeal Ref: APP/U1105/W/25/3369499
Appellant: MA & EJ Bennett
Address: Higher Ponchydown Farm Blackborough Devon EX15 2HE
Proposal; Retrospective siting of a temporary agricultural workers dwelling
Start Date: 29 July 2025
Procedure: Hearing
Questionnaire Due Date: 5 August 2025
Statement Due Date: 2 September 2025
Hearing Date: 19 November 2025

App.No: 23/2574/TRE
Appeal Ref: APP/TPO/U1105/10036
Appellant: Deborah Whiston
Address: 5 Kingsholme Colyford Devon EX24 6RJ
Proposal; Fell one Ash Tree.
Start Date: 6 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 August 2025

App.No: 25/0287/LBC
Appeal Ref: APP/U1105/Y/25/3370721
Appellant: Mrs Martha Loak
Address: Stafford Barton House Swan Hill Road Colyford EX24 6HE
Proposal; Create 1no. door opening in south gable elevation with stone reveals using limestone lintel and stone quoins with 2no. stone steps leading to the patio. Install new partition wall to create new boot room.
Start Date: 19 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2025
Statement Due Date: 23 September 2025

App.No: 25/0456/FUL
Appeal Ref: APP/U1105/W/25/3371346
Appellant: Mr Jeff Slade
Address: Land and buildings at Barton Farm Village Way Aylesbeare
Proposal; Change of use from agricultural building to 2no. dwellings, including associated works, parking and landscaping
Start Date: 20 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2025
Statement Due Date: 24 September 2025

App.No: 25/0820/FUL
Appeal Ref: APP/U1105/W/25/3371049
Appellant: Mr Simon Blissett
Address: 7 Chapel Street Budleigh Salterton EX9 6LX
Proposal; Change of use of a fish and chip shop (ground floor) (use Class E) to one dwelling (Use Class C3), including the demolition of the rear outbuildings.
Start Date: 26 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 2 September 2025
Statement Due Date: 30 September 2025

App.No: 25/0841/FUL
Appeal Ref: APP/U1105/D/25/3371831
Appellant: James Hortop
Address: Moorlands Farm Mincombe Post Sidbury EX10 0QW
Proposal; Construction of two storey extension with first floor balcony, single storey attached garage and single storey garden room link.
Start Date: 3 September 2025
Procedure:
Householder
Questionnaire Due Date: 10 September 2025

App.No: 25/0874/PDQ
Appeal Ref: APP/U1105/W/25/3371542
Appellant: Mr J Cuming
Address: Barns North Of Sowton Farm Buckerell Honiton EX14 3EH
Proposal; Prior approval (Class Q) for the change of use of agricultural buildings to 4 no. dwellings (Class C3) with associated operational development
Start Date: 5 September 2025
Procedure:
Written reps.
Questionnaire Due Date: 12 September 2025
Statement Due Date: 10 October 2025

App.No: 25/1295/FUL
Appeal Ref: 6000652
Appellant: Ms C Mostyn
Address: Land Adjacent Fieldside Rhode Lane Uplyme
Proposal; Construction of new dwelling with associated works
Start Date: 10 September 2025

Procedure:
Written reps.

Questionnaire Due Date: 17 September 2025
Statement Due Date: 15 October 2025

App.No: 25/0345/FUL
Appeal Ref: 6000688
Appellant: Juliet Hendry
Address: Greenwell Lodge Woodhouse Hill Uplyme DT7 3SL
Proposal; Change of use (retrospective) of an existing self-contained garden cabin to include holiday accommodation use
Start Date: 16 September 2025

Procedure:
Written reps.

Questionnaire Due Date: 23 September 2025
Statement Due Date: 21 October 2025

App.No: 25/0468/FUL
Appeal Ref: APP/U1105/W/25/3372790
Appellant: Christine And David Joyce
Address: Woodhouse Farm Stables Hawkchurch EX13 5UF
Proposal; Construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002)

Start Date: 17 September 2025

Procedure:
Written reps.

Questionnaire Due Date: 24 September 2025
Statement Due Date: 22 October 2025

App.No: 25/0606/FUL
Appeal Ref: 6000719
Appellant: Mrs Claire Howarth
Address: 2 The Orchard Tipton St John Sidmouth EX10 0AZ
Proposal; Alterations to roof to allow for creation of first floor.
Start Date: 17 September 2025
Procedure:
Householder
Questionnaire Due Date: 24 September 2025

App.No: 24/1372/FUL
Appeal Ref: 6000802
Appellant: Adrian Clarke
Address: Land north of Dennesdene Close Exmouth
Proposal; Proposed construction of detached bungalow
Start Date: 1 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 October 2025
Statement Due Date: 5 November 2025

App.No: 25/1291/ADV
Appeal Ref: APP/U1105/Z/25/3373281
Appellant: Wildstone Estates Limited
Address: Oakland Service Station Sidmouth Road Aylesbeare Exeter
EX5 2JJ
Proposal; Erection of an illuminated D6 small format advertisement
display
Start Date: 8 October 2025
Procedure:
Commercial
Questionnaire Due Date: 15 October 2025

App.No: 25/0682/PIP
Appeal Ref: 6000858
Appellant: Mr May
Address: Land West of Rewe Cross Green Lane Netherexe
Proposal; Planning in principle for the erection of a minimum of 1no. and a maximum of 4no. affordable self-build (SCB) dwellings
Start Date: 15 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 22 October 2025
Statement Due Date: 19 November 2025

App.No: 25/1422/FUL
Appeal Ref: 6001019
Appellant: Mr & Mrs Kirk
Address: 2 Sidlands Sidmouth Devon EX10 8UE
Proposal; Increase in roof pitch, addition of dormers to the South elevation, roof lights on the North elevation and addition of cladding.
Start Date: 15 October 2025
Procedure:
Householder
Questionnaire Due Date: 22 October 2025

App.No: 25/0675/FUL
Appeal Ref: 6000799
Appellant: Mr N Hillier
Address: Sidmouth Garage Connaught Road Sidmouth EX10 8TT
Proposal; Conversion of existing building to ground floor flat. Demolition of workshops to be replaced with new dwelling and staircase to existing first floor flat.
Start Date: 16 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 23 October 2025
Statement Due Date: 20 November 2025

App.No: 25/0950/FUL
Appeal Ref: 6001090
Appellant: Ms Emma Harries
Address: Pulmans Farm Beacon Honiton EX14 4TX
Proposal; Replacement of extension to rear (retrospective).
Start Date: 16 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 23 October 2025
Statement Due Date: 20 November 2025

App.No: 25/0946/LBC
Appeal Ref: 6000978
Appellant: Ms Emma Harries
Address: Pulmans Farm Beacon Honiton EX14 4TX
Proposal; Replacement of extension to rear (retrospective).
Start Date: 16 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 23 October 2025
Statement Due Date: 20 November 2025

App.No: 23/1277/FUL
Appeal Ref: 6001016
Appellant: Miss Julie Rhodes
Address: Bystock Court Old Bystock Drive Exmouth Devon EX8 5EQ
Proposal; Proposed 4 no. cottages
Start Date: 16 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 23 October 2025
Statement Due Date: 20 November 2025

App.No: 24/2290/FUL
Appeal Ref: 6001134
Appellant: Will Hallett
Address: Land Adjacent Grove Cottage Shute
Proposal; Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works
Start Date: 22 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 29 October 2025
Statement Due Date: 26 November 2025

App.No: 25/0609/PDQ
Appeal Ref: 6001237
Appellant: Mr Rupert Thistlewayte
Address: Land Opposite Cadhay Barton Cadhay Ottery St Mary
Proposal; Prior approval for the change of use of 2no. agricultural buildings into 3no. residential dwelling and associated operation development to enable the buildings to function as dwellinghouses
Start Date: 28 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2025
Statement Due Date: 2 December 2025

App.No: 25/1062/FUL
Appeal Ref: 6001291
Appellant: Mr Steve Richards
Address: Land south of 15 Halsdon Avenue Exmouth
Proposal; To erect a single-storey 1-bed detached dwelling with associated amenity space.
Start Date: 28 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2025
Statement Due Date: 2 December 2025

App.No: 25/1228/PIP
Appeal Ref: 6001310
Appellant: Mr S Wright
Address: Cherrytrees 25 Village Way Aylesbeare Exeter EX5 2FD
Proposal; Permission in principle for the erection of 2no. self-build dwellings and associated works
Start Date: 28 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2025
Statement Due Date: 2 December 2025

App.No: 25/1001/FUL
Appeal Ref: 6001320
Appellant: Simon and Sue Potter
Address: Northleigh Farm Northleigh Devon EX24 6BL
Proposal; Proposed conversion of a redundant agricultural building to
form 1 no. self-build residential dwelling and associated works
Start Date: 30 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 6 November 2025
Statement Due Date: 4 December 2025

Ward West Hill And Aylesbeare

Reference 25/0057/OUT

Applicant Mr Paul Hunt

Location Land Adjoining West Hayes Eastfield West Hill
EX11 1GG

Proposal Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping)



RECOMMENDATION: That the Council recommend to the Planning Inspectorate that planning permission be granted with conditions, subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), and adoption of an Appropriate Assessment



		Committee Date: 18.11.2025
West Hill And Aylesbeare (West Hill)	25/0057/OUT	Target Date: 27.03.2025
Applicant:	Mr Paul Hunt	
Location:	Land Adjoining West Hayes Eastfield West Hill	
Proposal:	Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping)	

RECOMMENDATION: That the Council recommend to the Planning Inspectorate that planning permission be granted with conditions, subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY UPDATE 18/11/2015

This application was further deferred for a site visit on the meeting of 21st October 2025. The applicant has now appealed against non-determination of the application; as such the Council cannot determine this application but instead needs to resolve what recommendation should be made to the Planning Inspectorate.

EXECUTIVE SUMMARY – UPDATE 21/10/2015

This application was considered at the meeting of the Planning Committee held on 19th August. However, a resolution was deferred pending the submission of consultation comments from the Council's Ecologist.

These have now been received and, in the light of issues raised, an addendum to the applicant's ecological consultants' Ecological Impact Assessment (EclA) in the form of a Technical Note, a Lighting Review Statement and revised Biodiversity Net Gain (BNG) Statutory Biodiversity Metric have also since been submitted.

These have been the subject of further consultation with the Council's Ecologist, whose comments are summarised in the following paragraphs.

The Technical Note and EclA acknowledge that the development would result in

biodiversity net loss of habitats. The site is mapped as a Priority Habitat, which are habitats considered of principal importance for the purpose of conserving or enhancing biodiversity, under Section 41 of the Natural Environment and Rural Communities Act (2006). The site was discounted from the local plan site selection partly based on the designation of woodland habitat.

However, it should be recognised that the southern parts of the site consist of hardstanding and grassland and unlikely to be considered as a Priority Habitat.

The EcIA expands upon the site's habitats varying between grassland and scrub and it is advised that it had been grazed for over 20 years. Satellite image shows that between 2016 and 2018 the wooded nature of the site was reduced. For BNG purposes, under the mandatory framework only habitat changes made on or after January 2020 would be considered.

The applicant proposes to offset the losses of habitats and deliver 10% BNG using a habitat bank located outside of Honiton. The habitat bank is not currently registered on the Natural England offsite register, but it is envisaged that it would be by the end of this year.

The EcIA and Technical Note consider, despite the habitat losses, the proposed tree, hedge and scrub planting would maintain habitat connectivity to the nearby offsite areas of woodland and non-statutory designated wildlife sites.

In addition, the proposed site design layout has been amended to include a dark corridor around the whole development.

Although no lux contour plan has been provided, the Lighting Review Statement indicates that based on the submitted plans, the provision of dark corridors should be achievable subject to detailed assessment and control measures.

In relation to BNG, the amended calculations set out in the revised metric indicate the submitted proposal would result in a net loss of -9.29% area biodiversity units and a net gain of +58.87% hedgerow biodiversity units post development.

The proposals include the enhancement of an area of grassland into other neutral grassland in good condition. It is stated this area will have restricted access, i.e. access only provided for maintenance rather than being used for Public Open Space. To ensure feasibility of the proposed enhancement measures, ongoing maintenance and monitoring will be required.

Any proposed creation or enhancement of other neutral grassland in good condition should be supported by soil nutrient testing to ensure it is feasible. This would be required to inform a Habitat Management and Monitoring Plan (HMMP).

Given the site is mapped as Priority Habitat for woodland and is within a maternity roost sustenance zone for lesser horseshoe bats, it is recommended that the ecological enhancement area is developed into woodland mosaic habitat

including areas of mixed scrub. This would also be beneficial to dormice.

As landscaping is proposed as a reserved matter, this could be addressed by means of the submission of a detailed landscaping plan at this later stage.

While the provision of species-rich hedges on the site would deliver a net gain, it is recommended that hedges be provided as species-rich Devon bank style hedges with occasional standard trees. It is also recommended that hedges be provided around the boundaries of the dark corridors in front of close-boarded timber fencing/development platform.

In conclusion, the development would result in a quantified net loss of habitats, which are mapped as Priority Habitat, and would result in the degradation of previously identified Strategic Nature Area in open countryside. However, the supporting documents consider that wider landscape connectivity would be maintained through the delivery of onsite planting measures.

It is proposed to offset residual development impacts, meet the minimum 10% biodiversity net gain objective, and to meet trading rules using a habitat bank located in a separate landscape character area. This is acceptable under the mandatory BNG framework.

Technical concerns regarding the feasibility and delivery of dark corridors have been addressed in the Lighting Review Statement and amended site plan. The dark corridors are predicted to be achievable subject to detailed modelling analysis and secured suitable control measures.

The proposals would deliver significant onsite gains and provide habitat for protected species, including a regionally important bat roost.

The statutory BNG condition does not legally secure the long-term maintenance of habitats. Therefore, to provide certainty in delivery and long-term maintenance, securing ecological enhancements with a planning obligation (S106 agreement) is recommended.

The proposed mitigation, creation and enhancement measures for other protected and notable species are appropriate and proportional to the predicted impacts for the proposed scale of development.

Conditions are therefore recommended to:

- secure compliance with the ecological measures set out within the EclA, Technical Note and Lighting Review Statement
- require the submission for approval of a Construction and Ecological Management Plan (CEcoMP)(previously recommended at condition 10)
- require the submission for approval of a detailed lighting scheme based on the Lighting Review Statement
- require the submission for approval of a Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development

In the light of this, together with the balance of the other material considerations that are reproduced in the remainder of the Executive Summary below, it is once again recommended that the application be approved.

EXECUTIVE SUMMARY 19.8.2025

This application is brought before the Committee owing to a difference of opinion between officers and the ward member. It is also a 'departure' application where the officer recommendation is one of support.

The application seeks outline planning permission for a residential development, comprising the construction of 9 dwellings (4 of which would be affordable) on land to the west of Hayes End, itself a comparatively recent housing development, on the western edge of West Hill outside of the defined Built-up Area Boundary (BUAB) of the village.

The site contains, and is bordered by, a significant number of trees, the majority of which are the subject of a tree preservation order.

Although an outline submission, approval is sought at this stage of details relating to the layout of the scheme, the scale and appearance of the proposed units and the means of access to the site, reserving only landscaping details for consideration at a later stage.

These show the affordable housing element in the form of a terrace that would be similar to, and positioned almost alongside, four affordable units provided as part of the Hayes End scheme. The remaining five dwellings would all be detached.

The site layout proposals have been amended during the course of the application to accommodate concerns raised by the Council's Arboricultural Officers in regard to the loss of two of six trees proposed for felling. On the basis of these submitted revisions the development is now considered to be acceptable from an arboricultural standpoint.

Owing to the location of the site beyond the BuAB of the village, the proposal is, in principle, contrary to the policies of both the adopted and emerging Local Plans.

However, the boost to housing supply reflects a national objective and is therefore considered to weigh heavily in favour of the proposed development. Currently, the District has a significant shortfall in the supply of housing, which has been calculated at 2.97 years as against a requirement to provide 5 years supply.

The proposal would bring about additional housing in what is considered, on balance, a sustainable location with services within reasonable walking distance and, for the most part, along footways that are mainly level and well-lit and, in places, alongside lightly trafficked roads.

No objections have been raised by technical consultees taking into account the context and constraints of the site.

The boost towards meeting housing supply forms a compelling material consideration. The National Planning Policy Framework (NPPF) directs decision makers to apply a 'tilted balance' in such circumstances where there is a lack of a 5 year housing land supply whereby there is presumption in favour of sustainable development unless any harm significantly and demonstrably outweighs the benefits.

It is considered in this case that the tilted balance applies and, having regard to the various material considerations set out in the report, that any harm would not outweigh the benefits of the boost to housing land supply that the scheme would provide.

It is recognised that the site has been discounted as a housing allocation from the 'Regulation 19' draft emerging Local Plan. However, given recent appeal decisions that have allowed for non-allocated sites to be released for housing development, taken together with the absence of any objections to the proposals on arboricultural grounds (which mainly underpinned the omission of the site as an allocation, it being otherwise acknowledged as being reasonably accessible to services and facilities) and the very limited weight that can be given to the emerging Local Plan at this stage and the need to boost housing land supply, it is considered that the balance is in favour of granting permission.

As such, although the policy and contextual objections raised by the parish council and ward member are acknowledged, it is thought that they would be outweighed by the overriding requirement to increase housing supply in this case.

Approval is therefore recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original consultation comments)

This application was considered at the West Hill Parish Council meeting on 19th February 2025. Members of the public attended the meeting to share their view on the application.

Cllrs considered the Design and Access Statement and noted the applicant's disingenuous statement regarding their "consultation" with the Parish Council in 2024:

Page 12, section 4.4 Following on from a consultation with West Hill PC in January 2024 the scheme evolved from a 5-house with no affordable housing scheme to a 9-house, including 4 affordable dwellings scheme.

In fact, WHPC had objected to their planning application 24/0008/PIP (5 dwellings and associated parking) which was then refused by EDDC (February 2024). EDDC, also refused an earlier application on the site (11/1186/MFUL, 15 dwellings, refused and dismissed at appeal).

The Council also noted that the applicants had listened to some of the responses to the previous application and had made changes to their plan particularly with regard to providing affordable homes.

Key considerations:

1. Location: A material matter in this application is location as the proposed site is:

- outside the built-up area boundary
- outside the West Hill Settlement Boundary included in the East Devon Local Plan 2020-2042 currently undergoing Regulation 19 consultation. Indeed, during Local Plan process the proposed Settlement Boundary was revised to exclude this site

and is therefore countryside. The adopted East Devon Local Plan in Strategy 7 states:

"Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development"

The application fails to meet the criteria for development in the countryside and also fails to maintain the woodland character of the area.

2. Trees: The site contains many mature trees of mixed woodland which make a significant and positive contribution to the visual amenity of the area viewed from the village and the B3180. The whole site is covered by TPO 21/0029/TPO.

The proposed plans refer to "mixed fruit trees". The proposed new planting is unlikely to survive due to shading from the existing mature trees.

There will be a high risk of harm to the Root Protection Areas of the existing trees from the construction, heavy machinery etc.

Eventually there would also be pressure from future residents to prune back due to shading and leaf drop.

Therefore, the proposal would be likely to introduce significant pressure on the retention of the trees. As such, the proposed development would be contrary to Policy D3 of the East Devon Local Plan, adopted January 2016 which, in this

respect, seeks to ensure developments deliver harmonious and sustainable relationships between structures and trees and do not result in a net loss in their quality.

3. Landscape: Policy D1 of the East Devon Local Plan says that development in the countryside will only be permitted where it respects the key characteristics and special qualities of the area in which the development is proposed. This proposal introduces 9 new properties into a woodland landscape setting and would consequently result in substantial harm to the intrinsic character and beauty of the area as it would not respect its key characteristics. West Hill is known as a "woodland village" and the Neighbourhood Plan policy NP26 seeks to protect the character of the village which is defined by its devon banks, treescape and tree-lined lanes.

4. Density: The planning statement accompanying the application states that the area of the site is 0.8 ha and the proposed 9 dwellings would therefore result in a density of 11.25 dwellings per hectare.

The site was considered by the Strategic Planning Committee of EDDC for a site for 4 dwellings as a part of their work on the emerging local plan. It was rejected for allocation for the following reasons:

"Reasonable access to a limited range of community facilities and services along a mostly paved and lit route but S.41 habitat "deciduous woodland" covers most of the site with several parts also protected by TPOs. These woodlands and TPO constraints mean that only a small area in the south east of the site would be acceptable but this area is below the site size threshold of 0.15 ha so not allocated."

The usable area is quoted as being less than 0.15 ha but even at this size the actual density of dwellings would be 60 dwellings per ha which would be significantly greater than the rest of West Hill and would therefore fail to protect the character of the village.

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 2.97 years, 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 Parish Council is well aware of the very many sites surrounding the village outside the BUAB and that were put forward to the Local Plan but rejected as unsustainable. The limited infrastructure in West Hill is already inadequate with local schools at capacity and the local medical and dental facilities overstretched. There is no large open space for recreational activities in West Hill. With new development inside the Built Up Area Boundary already approved this would further stretch the very limited facilities currently available in West Hill resulting in the need for people to travel further afield for basic needs. Although there is a bus service this is infrequent and does not operate on a Sunday. In reality we all know that this

application will result in increasing car traffic and is therefore not sustainable development.

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 the application.

Parish/Town Council (Further consultation comments in response to amendments to site layout)

This amended application was considered by WHPC at an extraordinary meeting on 19th May 2025. The meeting agreed the following comments.

The amendments to the original proposal do not change the comments submitted by WHPC in their response to the original application. It remains a fact that the site is outside the Built Up Area Boundary and building on this site will destroy what is currently natural countryside. This is contrary to the Local Plan and should be rejected. It also will add to the problems that will be caused by previously agreed developments close to this site in further stretching the limited resources and facilities of West Hill. The Council also remains concerned that there will be pressure in the future to cut back or even fell trees due to shading and leaf fall.

In the letter from the agent it is stated that the maintenance of the "wildflower meadow" will be the responsibility of the residents. This sounds more like wishful thinking than a plan and there is no proposal about how this will be monitored and by whom and what the consequences of failing to carry out the maintenance will be.

WHPC continues to object to this proposed development.

West Hill and Aylesbeare - Cllr Jess Bailey

I wish to register my objection to this planning application.

I have previously objected to a smaller scheme on this site (ref 24/008) and I now wish to object to this latest application.

There is absolutely no way this application should be approved as it would lead to the felling of 5 substantial pine trees, 4 of which are classed as category B trees.

On top of this the remainder of the site is heavily wooded and if permission were to be granted it would inevitably put significant pressure on the health and viability of the trees on the site with future owners wishing to reduce and fell due to leaf drop and shading etc.

The applicant has incorrectly stated that the site was accepted in the regulation 18 consultation for the emerging local plan. In fact it was only ever a 'second choice' site and it went on to be dropped prior to the regulation 19 consultation. I opposed its inclusion in the local plan.

I also opposed the proposed amended of the settlement boundary for West Hill to include this site as it is heavily wooded and completely ill-suited to development.

Wooded sites such as this are incredibly valuable both in terms of biodiversity and contribution to the wider landscape. There are significant varieties of bats present and the site plays an important role in mitigating the landscape impact of development in West Hill including visibility from the B3180.

No mechanism has been provided 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 the proposal is considered to conflict with the Conservation of Habitats and Species Regulations 2017.

If approved this application would have a material detrimental impact and cause substantial harm and should therefore be REFUSED.

Technical Consultations

EDDC Trees (Original consultation comments)

I commented on the previous application (24/0008/PIP) to develop the site and objected based on the impact on trees protected by a TPO, loss of TPOd trees and insufficient arboricultural information.

I have reviewed the submitted plans and the arboricultural impact assessment (AIA) prepared by David Archer Associates.

I note that the AIA was prepared in support of the previous proposals for 5 plots (24/0008/PIP) permission for which was refused.

The current proposals are for 9 plots, it appears this would require the same number of trees to be removed as the previous scheme but the pressure on retained trees would be increased significantly. For example no construction space has been allowed for outside the RPAs of the trees to the north and east of plot 9 and its driveway. The same issue applies to the trees to the north of plot 7.

It therefore seems likely that the root systems of retained trees would be adversely affected by groundworks and that the planning layout would result in increased pressure on retained trees to be pruned or felled due to issues related to proximity, leaf fall, shedding, shading and overbearing of the properties by the trees. These issues have not been addressed in an up to date AIA.

It follows that I object to this application due to the loss of significant protected trees that would result, the potential damage to, and future impact on retained trees, and the lack an up to date AIA that might justify the above.

EDDC Trees (Further consultation comments in response to amendments to site layout)

I have reviewed the latest amended plans prepared by Redwood Land Investments. Following on from my previous comments the changes made to the layout in relation to plot 9 and plot 5 to increase the separation distances from the trees and enable the retention of T39 and T40, Scots pines are viewed positively.

I also note that the locations of T52, T53, also Scots pines now appear to correctly be plotted on the plans and that the topographic survey now better reflects the canopy spread of T43, oak.

In view of the amendments to the plans I consider the future relationship of the proposed new houses to the retained trees should be reasonably satisfactory and it is unlikely there would be unsustainable pressure on the trees.

If the application is approved, I would advise a condition should be applied that requires adherence to an updated tree protection plan (TPP) and arboricultural method statement (AMS).

I understand the soft landscaping details will be dealt with by Reserved Matters, and that a detailed scheme will be required.

Example of a suitable tree protection condition:

1) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

2) The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS.

3) The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturist and submitted to the Planning Authority for approval and final discharge of the condition.

4) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of any existing, replacement or new above and below ground services, foul and surface water drainage and other infrastructure - insofar as they may affect existing trees - shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. NJUG Vol. 4 Guidelines). Such layout and design and implementation shall provide for the long term retention of the trees and hedgerows. Any unavoidable but necessary root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement / approved service / drainage/infrastructure layout.

Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

Environmental Health

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Housing Strategy/Enabling Officer - Cassandra Pressling Objection

The adopted East Devon Local Plan, Strategy 27, states that if communities such as West Hill wish to promote development other than that which is supported through this strategy and other strategies in the Plan they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts) justifying how and why, in a local context, the development will promote the objectives of sustainable development.

This site is not allocated in the Neighbourhood Plan and it is not community led development. There are no Community Land Trusts in operation in West Hill.

There is also no up to date parish housing needs survey in West Hill, so this application could not be considered under Strategy 35.

I therefore object to this application.

Exeter & Devon Airport - Airfield Operations+Safeguarding

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria. However it does require the implementation of the following condition due to the type of development being within an area of Potential IFP interference.

Condition: Wildlife Hazard Management Plan

Development shall not commence until a IFP assessment has been provided to Exeter airport and no impact confirmed by Exeter airport IFP Designers

Reason:

The IFP Safeguarding Map has this application in a Grey Square, which means any development, regardless of height, needs looking at in more detail, so an in-depth assessment will be required performed by Exeter Airports IFP designer.

Accordingly, Exeter Airport will have no safeguarding objections to this development provided that the requested condition is applied, and all safeguarding criteria are met and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation. This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria. However it does require the implementation of the following condition due to the type of development being within an area of Potential IFP interference.

Other Representations

12 representations of objection have been received.

Summary of Grounds of Objection

1. The proposed site is outside the Built Up Area Boundary and, if approved, it would set a precedent for future developments being built in the countryside and be contrary to various Local Plan strategies and policies.
2. A previous application for 5 properties was refused in 2024; none of the objections raised
3. Development would result in the loss of trees covered by TPOs and have an impact on the roots of the remaining trees.
4. Elevated site where houses will cause loss of privacy to surrounding properties.
5. Increased risk of flooding through exacerbation of surface water runoff from increased hard surfacing and loss of trees and other flora.
6. Loss of countryside and trees which make a significant contribution to the character of West Hill.
7. Impact on birds, bats and other wildlife.
8. Additional driveway, garages and patios and increased roads, street lighting, footpaths from previous application.
9. Extra residents and cumulative population growth within village adding further pressure on existing infrastructure, such as local schools and health services.
10. Eastfield was originally built to access lower number of properties, is already at capacity and is therefore unsuitable for any increase in traffic/parking.
11. In combination with projected housing developments planned for Eastfield and Windmill Lane, the rurality of West Hill will be further destroyed.
12. More traffic on small rural roads, many without footpaths, with only limited public transport and therefore increased risk to school children and other pedestrians.
13. Destruction of natural habitat of wildlife and ecology of area.
14. Proposal does not respect special qualities of West Hill, particularly its sylvan character and is therefore contrary to local and neighbourhood plan policies.
15. Need for housing can be better met by the alternative proposals at Eastfield and Windmill Lane.
16. Harm from proposal outweighs the benefits.
17. Shading from tree canopies and leaf drop will be an issue, particularly in the rear gardens of plots 6 and 7, resulting in future pressure to prune or fell trees.

18. Existing social housing on Hayes End is pavement fronted and any additional traffic flow past these houses will be both detrimental and dangerous to the occupants.

19. Necessity for new developments is questionable; a report by the Institute for Public Policy Research (IPPR) in February 2025 indicates that over 1.4 million homes in England, for which planning permission has been granted since 2007, remain unbuilt. The report identifies land banking as the primary cause of this inaction.

20. Noise, dust and pollution from vehicle emissions from heavy construction and other traffic, as well as road damage, generated by the development.

PLANNING HISTORY

Reference	Description	Decision	Date
24/0008/PIP	Permission in principle for the erection of 5 dwellings and associated parking	PIP Refusal of Permission in Principle	12.03.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Ottery St Mary and West Hill Neighbourhood (Made)

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 27 (Development at the Small Towns and Larger Villages) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN14 (Control of Pollution) Adopted

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

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy SD28 (Development allocations at West Hill) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Strategic Policy HN02 (Affordable housing) 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

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

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Introduction

This application is brought before the Committee owing to a difference of opinion between officers and the ward member.

Site Location and Description

The application site comprises a parcel of land, extending to approximately 0.95 hectares in area, located between the comparatively modern Hayes End housing development and the B3180 County road on the western edge of West Hill.

Accessed via Hayes End, the site and its immediate surroundings are characterised by the presence of a number of mature trees, the majority of which are the subject of formal protection by means of a tree preservation order (ref. 21/0029/TPO). These include a strip of woodland that separates the site from the B3180 and a line of trees beyond a public footpath (no. 5) that borders the site to the south.

This footpath connects the B3180 with West Hill Road and is itself largely screened from the site by a line of Laurel bushes. A further line of protected trees forms the northern site boundary and separates it from an open field beyond. Part of the eastern boundary, with the rear gardens of two detached properties in Hayes End, is defined by timber fencing with post and rail fencing forming much of the remainder of this boundary, punctuated by a gated entrance to the site at the end of an offshoot of Hayes End.

There is a fall of around 5 metres across the site from west to east.

The site is located outside of, albeit a short distance from, the Built-up Area Boundary (BuAB) of West Hill as defined in the adopted Villages Plan that supplements the adopted Local Plan.

Background

Permission in Principle (PiP) was sought in 2024 (application 24/0008/PIP refers) for a development comprising the construction of 5no dwellings and associated parking on the site.

However, the application was refused, via the Council's scheme of delegation, on the following grounds:

1. This site is located within the countryside outside of an identified built-up area boundary where there are no development plan policies that explicitly permit this form of development. The development would be contrary to the spatial strategy of the development plan for the distribution of new housing and contrary to the National

Planning Policy Frameworks (NPPF) aim for development to be genuinely plan led. The resulting development would not align with the spatial approach to the distribution of housing, result in the unregulated development in the countryside and not accord with the objectives of sustainable development. As such, the development would conflict with Strategy 1 (Spatial Strategy for Development in East Devon) which sets out the spatial strategy for development in the East Devon Local Plan (LP) that directs significant housing growth to the West End of the district and the main towns forming focal points for development to serve their own needs; Strategy 2 (Scale and Distribution of Residential Development) of the LP which identifies the scale and distribution of residential development in the district; Strategy 6 (Development within Built-Up Area Boundaries of the LP, as well as the East Devon Villages Plan, which defines the built-up area boundaries for sustainable settlements that are considered appropriate to accommodate growth and development and Strategy 7 (Development in the Countryside) of the LP which states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan that explicitly permits such development. The proposed development is also contrary to provisions of the NPPF 2023. As the proposal conflicts with the development plan, and with no material considerations outweighing this.

2. In the absence of a Tree Survey and Arboricultural Impact Assessment the Local Planning Authority is unable to determine the impacts of the development on the existing trees or how such impacts would be mitigated. By virtue of the scale of the development proposed and the layout and orientation of the dwellings, it is likely that the root systems of retained trees would be adversely affected by groundworks and would result in future pressure on retained trees to be pruned or felled due to their proximity, shading and overbearing of the properties by the trees. The development fails to accord with the principles of BS5837 and would cause undue harm to the character and appearance of the area. The proposals are therefore contrary to Policies D1 (Design and Local Distinctiveness) and D3 (Trees and the Development Sites) of the East Devon Local Plan 2013 -2031 and Policy NP26 (West Hill Design) of the Ottery St Mary and West Hill Neighbourhood Plan.

3. No mechanism has been provided 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 the proposal is considered to conflict with the Conservation of Habitats and Species Regulations 2017. In addition the proposal is considered to be contrary to guidance in the National Planning Policy Framework 2021 and to Strategies 47 (Nature Conservation and Geology) and 50 (Infrastructure Delivery) of the East Devon Local Plan 2013-2031 and Policy NP14 - Demonstrating Infrastructure Capacity of the Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017-2031.

The site was considered as a potential site allocation for housing by the Strategic Planning Committee in September 2024. However, it was resolved that it not be included as an allocation within the subsequent 'Regulation 19' version of the Draft Emerging Local Plan that was the subject of public consultation earlier this year based upon the following assessment:

'Reasonable access to a limited range of community facilities and services along a mostly paved and lit route, but S.41 habitat "deciduous woodland" covers most of site, with several parts also protected by TPOs. These woodland and TPO constraints mean that only a small area in south east of site would be acceptable, but this area is below the site size threshold of 0.15 ha, so not allocated. Consider including this smaller area within the settlement boundary.'

Proposed Development

The current application seeks outline planning permission for a revised scheme for the site consisting of the construction of 9no dwellings, four of which would be affordable, and associated parking provision.

Although submitted in outline, the application seeks to discharge details of the layout, scale and appearance of the development together with means of access, reserving only details of landscaping for later approval.

As such, the application is accompanied by detailed site layout, elevation and floor plan details for formal consideration at this stage.

These show the proposed 4no affordable units arranged in a terrace near to the entrance to the site, in close proximity to a similar terrace that forms part of the Hayes End development and forming a continuation of the road that serves these properties. This scheme, carried out by the same developer as that promoting the current application, consisted of the same number of affordable dwellings alongside six open market units.

A further detached dwelling has since been added on a large plot at the end of Hayes End.

The units at both ends of the proposed terrace (plots 1 and 4) would in this case be slightly larger three bedroom dwellings set within larger plots than the two bedroom dwellings proposed in between (on plots 2 and 3).

The remaining five units would comprise detached two storey dwellings with plots 5, 8 and 9 designed as larger four bedroom properties, each with integral single garages, and plots 6 and 7 as slightly smaller three bedroom units.

Each building form, including that of the proposed terrace, would feature a combination of principal half-hip roofed main elements with subservient gables extending off them. Plots 6 and 7 would each exhibit handed forms and designs to the other while plots 8 and 9 would do likewise. Plot 5 would match plot 9 in scale, form and design.

Externally, all nine dwellings would be finished in render over brick with tiled roofs. However, the detailed specifications for these has not been provided and would therefore need to be secured by condition should outline permission be granted.

The layout also includes the provision of a total of 18no external parking spaces throughout the scheme, with all being laid out at the front of each respective unit, in addition to bin and cycle storage facilities for each dwelling.

The scheme would also incorporate an 'ecology enhancement area' of around 2,200 sq. m. together with an additional 45 sq. m. area for 'mixed scrub' that is designed, among other things, to meet relevant Biodiversity Net Gain (BNG) requirements.

Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

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.

As stated above, the proposal would in this case comprise development outside of the BuAB of West Hill as defined in the adopted Villages Plan. In policy terms therefore, it would constitute development within the countryside where the provisions of Local Plan Strategy 7 (Development in the Countryside) apply.

These only allow for development where it would be in accordance with specific local or neighbourhood plan policy(ies).

In this regard Strategy 27 (Development at the Small Towns and Larger Villages) allows for development (away from named settlements that are considered to be sustainable and capable of accommodating some housing growth) that is promoted via either a neighbourhood plan or a 'community led' approach (such as a community land trust).

However, the proposal in this case is not 'community led' nor facilitated by any policy contained within the made Ottery St. Mary and West Hill Neighbourhood Plan.

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

On account of the above, residential development in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed 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 over the course of recent months have shown that even if a site is not allocated in the current plan or is outside development boundaries, housing proposals can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict, they would not unbalance communities and are within reasonable reach of an appropriate level of services and facilities.

It should also be recognised that, at the time of the determination of application 24/0008/PIP referred to above, the District Council was in a position to be able to demonstrate an appropriate supply of available housing land at that time in line with the then Government's requirements.

However, it can now 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 current 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 that 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 the 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 the above paragraph makes clear, where the policies of the adopted 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.

Location/Accessibility

The provisions of adopted Local Plan Strategy 5B (Sustainable Transport) require that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport and would need to be of a form, incorporate proposals for and be at locations where it would encourage and allow for efficient, safe and accessible means of transport with low environmental impact, including (among other things), walking and cycling.

These provisions are supplemented by those of Policy TC2 (Accessibility of New Development) which require new development to be located so as to be accessible by pedestrians and cyclists, as well as public transport, and also well related to compatible land uses so as to minimise the need for car travel.

The Government-published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot.

The nature and character of the route are of importance, as is the distance itself.

The 'village core' of West Hill can reasonably be identified as the part of the West Hill Road area that accommodates the primary school, village hall and shops/post office at the former Potters Country Market site or Bendarroch Road, where the parish church and Royal British Legion Club are sited.

The distance between the application site and the facilities in the West Hill Road area is within the above-stated distance/walking time. Moreover, it is comparable to that between land to the north east of the site that is accessed off Windmill Lane, upon which the Committee resolved in February this year to grant permission for a scheme comprising 31 dwellings (application 23/1143/MFUL refers), and the facilities in both West Hill Road and Bendarroch Road.

Indeed, the walking route between the site and the West Hill Road facilities is considered to be essentially safer and more desirable for pedestrians than the connection between the Windmill Lane site and the Bendarroch Road facilities owing to the lack of footways along the latter and, conversely, a largely continuous level of footway provision connecting the Hayes End development, Eastfield and West Hill Road.

Indeed, notwithstanding the absence of its inclusion within the emerging Local Plan, this is recognised in the synopsis of the suitability of the site as an allocation for housing development referred to above.

The site is therefore considered to be located so that prospective occupiers of the development would not necessarily be overly reliant on the private car for access to services and facilities within the village and, in terms of its locational sustainability credentials, the scheme would be comparable with other housing schemes permitted in West Hill. It is therefore considered that the proposal would align with the objectives of Local Plan Strategy 5B and Policy TC2.

Impact upon Character and Appearance of Area

The provisions of Local Plan Policy D1 (Design and Local Distinctiveness) only permit proposals where, among other criteria, they: respect the key characteristics and special qualities of the surrounding area; their scale, massing, density, height and materials relate well to their context, and do not adversely affect important landscape characteristics, important ecological features, trees worthy of retention, the amenity of occupiers of adjoining residential properties or the amenity of prospective occupants of the development itself in terms of storage space for bins and bicycles.

The latter of these are addressed in their respective sections of the report below.

The broader provisions referenced are largely reflected in those of Policy NP26 (West Hill Design) of the made Ottery St. Mary and West Hill Neighbourhood Plan (NP). These require that proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, spacious gardens and individuality between properties.

Among the more detailed criteria within this policy are that proposals for new residential development should: maintain the low density pattern of development in West Hill and should reflect built density and layout of the surroundings; show individual variation between units whilst respecting the character of the surrounding area; include adequate off road parking; incorporate appropriate boundary treatment; avoid loss of or damage to trees of good arboricultural and amenity value, and demonstrate that adequate landscaping proposals have been included to reflect the existing landscape character of the surrounding area.

These in turn reflect the more generic provisions of NP Policy NP2 (Sensitive, High Quality Design) that require that all proposals for development demonstrate a high quality of design that has regard to the local context, is appropriately scaled and sited and makes an overall positive contribution to the NP area. The policy also applies more detailed criteria that are akin to those of Policy NP26.

In consideration of the proposals against the design/layout criteria set out within these policies, it is thought that they would essentially be satisfied.

Given the overall site area of just under 1 hectare, the scheme would provide a housing density equivalent to around just over 9 dwellings per hectare (dph). Although comparing slightly less favourably with the dph of the adjacent development at Hayes End, along with that of older developments at Windmill Lane and Moorlands, it would compare far more favourably with the more recent development at Eastfield Orchard (incorporating Oak Tree Gardens, Eastfield Gardens and Hawthorne Close) to the north of Eastfield, which exhibits a density of around 17 dph.

Furthermore, albeit necessary in order to address the constraints presented by the trees, and notwithstanding the reduced developable site area, it is considered that the proposals would create a layout of development with individual plot sizes/areas that would largely compare with those of developments elsewhere throughout West Hill. Although it is recognised that the individual dwelling and plot sizes of the open market units would be reduced in comparison to those on the neighbouring Hayes End development, it is nevertheless maintained that, within the wider context of the village as a whole, they would still be generously proportioned.

It is also highlighted that the sizes/areas of the affordable dwelling plots would themselves be slightly more generous than those of the corresponding part of the Hayes End scheme.

As such therefore, there are no objections to the quantum of development within the site.

In terms of the building forms and designs themselves, these are essentially separated into four groups; namely, the units on plots 1-4 at either end of the terrace of affordable dwellings, plots 2 and 3 within the same terrace, the detached units on plots 5, 8 and 9 and, finally, those on plots 6 and 7.

Although not necessarily providing the degree of variation between individual units that is sought through NP Policy NP26, with plots 2 and 3, 6 and 7 and 8 and 9 being handed pairs of the same dwelling type to one another, there would be some variety integral to the overall design concept for the scheme.

As such and given the relatively modest scale of the development at 9no units overall, it is considered that the scheme would exhibit sufficient variety as to satisfy the requirements of this criterion of NP Policy NP26.

Equally, the quantum of development is thought to be sufficiently limited as to ensure that the intended use of matching external wall and roof finishes throughout the scheme would not result in a degree of repetition that would be to the detriment of its character or appearance or that of the surrounding area.

In terms of the visual impact upon the rural landscape character of the site and the wider surrounding area, it is considered material to assessment of the proposal in this regard that the site is essentially largely visually contained and well screened from inward view from short, medium and longer range distances by the existing mature tree and hedge screening around it on all sides.

Coupled with the site's semi-domestic character (it having once formed part of the grounds of Westhayes, a large, detached dwelling located between Hayes End and Oak Tree Gardens), it is considered that development could be achieved without any significant physical or visual intrusion into the open countryside that surrounds this part of West Hill.

National design guidance states that the appropriate density will result from the context, accessibility, the proposed building types, form and character of the development. Whilst the density would in this case be higher than some of the surrounding built form, the emphasis on echoing the surrounding key characteristics means that the development would not appear overly urban due to these density levels. The NPPF encourages the need to make efficient use of land, and to refuse applications that fail to do so. However, in this case, when taking into account the above factors and the need to boost housing supply the density is considered acceptable; more particularly in light of the limited impacts upon the wider character and appearance of the locality that would result from the development owing to the level of tree screening around it and the assimilation into the landscape that would be achieved by the trees within the site.

The proposal is therefore considered to comply with the relevant criteria set out in Local Plan Policy D1 and Neighbourhood Plan Policies NP2 and NP26.

Impact upon Trees

During the course of the application, the scheme details have been the subject of officer negotiations with the agents representing the applicants in the light of initial

concerns raised by the Council's Arboricultural Officers in regard to the loss of 6no trees, principal among which were a pair of Scots Pines in the vicinity of plot 5.

The siting and orientation of plot 9, alongside the orientation of plot 8, have also been revised so as to achieve an increase in the separation distance of the former from trees.

On the basis of these revisions, the Arboricultural Officer is now satisfied that the relationship between the proposed dwellings and the trees to be retained would be satisfactory with it being unlikely that there would be future pressure for works to be carried out on the latter that could compromise their amenity contribution to the site or the surrounding area.

There are also no objections to the proposed loss of the four other trees proposed for removal, these comprising 3no Corsican Pines, one of which is of a 'C' category and the other two within a 'B' category, and a dead Scots Pine.

However, a condition is recommended to secure the submission for approval of an updated tree protection plan and arboricultural method statement.

In the circumstances, whilst the concerns raised by the parish council, ward member and interested third parties relating to the effect of the proposals upon the health and well-being of trees within the site are acknowledged, in the absence of objection from the Council's Arboricultural Officers, who have been closely involved throughout the course of the application, it is not considered that objection to the development on tree-related grounds could be readily sustained.

It is therefore accepted that the development would satisfy the provisions of Local Plan Policy D3 (Trees and Development Sites) that seek to ensure that development delivers a harmonious and sustainable relationship between structures and trees and that there would be no net loss in the quality of trees resulting from it.

Impact upon Neighbour Amenity

The siting and orientation of the individual dwellings proposed, coupled with their distance from the nearest residential properties in Hayes End to the east, taken together with the screening provided by the existing level of tree cover within the site, is considered to be such as to mitigate against any detrimental or harmful impact upon the living conditions of the occupiers.

This relates to both overlooking/loss of privacy and physical impacts resulting in loss of outlook or aspect from, or any overbearing, dominating or intrusive upon, these properties.

The proposal would therefore meet with the relevant criterion set out in Local Plan Policy D1 to which reference is made above.

Highways/Access/Parking

The proposals have not, at the time of writing, drawn any consultation comments from the County Highway Authority (CHA).

However, the scheme is designed around a continuation of the existing road off of the neighbouring Hayes End development and terminates at plots 8 and 9. It also makes parking provision on the basis of 2no spaces per dwelling together with the integral garaging referred to previously.

This level of off-road parking provision is considered to be adequate to serve the development while there are not thought to be any identifiable issues of concern in regard to levels of visibility along the estate road or in relation to the manoeuvring of vehicles to and from any of the proposed parking spaces.

The proposal would therefore comply with the provisions of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

Affordable Housing

As stated above, the scheme proposes the provision of four affordable units. However, with this equating to only 44.4% provision being below the 50% target level of provision that is sought under Local Plan Strategy 34 (District Wide Affordable Housing Provision Targets), it is proposed that the balance of 0.6 units be made up by way of an off-site commuted payment. In this case, this would amount to £34,749.

Although not strictly policy compliant as provision is not being made wholly on site, it is considered an acceptable level of provision in the circumstances when balanced against factors such as the position taken in relation to comparable situations elsewhere, the emerging nature of the Council's affordable housing policy and the wider housing land supply shortfall situation referred to above.

In terms of tenure, the affordable housing would comprise 3no social rented units and a single shared ownership dwelling in line with the Council's approach in relation to tenure mix.

Although the layout, as per that of the neighbouring Hayes End development, shows the 4no affordable units to be clustered in the form of a terrace and not dispersed or 'pepper potted' throughout the site, given the comparatively modest overall number of dwellings within the scheme and the proposed form, design and external appearance of the terrace, the latter reflecting the approach throughout the development as a whole, it is not considered that this should be regarded as weighing against the proposal in the wider planning balance.

At the time of writing, a draft section 106 unilateral undertaking has been provided that seeks to secure the affordable housing provision, including the off site contribution. This is currently undergoing review by the Council's Legal team and Housing Enabling Officer and any update will be reported to Members orally.

Subject to it being satisfactorily concluded, it is considered that the proposal would comply with the provisions of Local Plan Strategy 34.

Drainage

It is proposed that foul drainage from the development be discharged via the main sewer.

Surface water drainage would also be discharged by way of a surface water sewer via a connection to the system that serves the Hayes End development.

However, given that such an arrangement would not meet with South West Water's surface water runoff destination hierarchy, which favours discharge via infiltration and other means ahead of sewer connection, it is considered that the appropriateness of alternative sequentially preferred means should be investigated.

A condition is therefore recommended to secure such details.

Ecology/ Biodiversity Net Gain (BNG)

The application submissions include a preliminary Ecological Impact Assessment (EclA) report that incorporates a Biodiversity Net Gain (BNG) assessment. (The latter is considered in more detail in the next section of the report.)

The report sets out a series of mitigation and ecological enhancement measures in regard to the impacts arising from the development upon habitats, bats, nesting birds, hazel dormice, reptiles, amphibians, badgers and hedgehogs. It follows protected species surveys undertaken in September/October 2023 and between May and August 2024.

In summary, these comprise:

- Tree, hedge (including boundaries between plots) and neutral flowering grass planting, part of the latter of which would be managed as wildflower meadow in the 'ecological enhancement area' referred to above with connected wildlife buffer areas along the site boundaries (incorporating dark zones and foraging potential for commuting bats)
- (The detail of this planting would form part of a landscaping scheme to be submitted with the reserved matters application in the event of the approval of the current application)
- Ground level assessment of trees to be felled to check for any increase in bat roosting features and suitability from the previous surveys
- Avoidance of illumination of bat flight corridors, principally along the entirety of the northern site boundary
- Installation of reduced visible light transmission glazing to windows that face towards hedgerows
- Integrated bat roosting provision at a ratio of two bat boxes per dwelling, positioned close to suitable foraging and commuting habitats
- Appropriately timed removal of bird nests (subject to inspection if within the nesting season)
- Integrated bird nesting provision at a ratio of one nest box per dwelling
- Management of grassland within the site by regular mowing/strimming to a low sward height prior to works to dissuade reptiles for these areas
- Retention of a brash pile in the north eastern corner to maintain refuge for reptiles and other small wildlife
- Overnight covering of excavation piles to avoid entrapment of badgers, hedgehogs and other wildlife as well as daily checking for the presence of wildlife

The application is also accompanied by the requisite BNG statutory biodiversity metric, condition assessment and summary of the baseline and post-development habitat units.

These have been reviewed by the Council's Ecologist and, in the light of issues raised, an addendum to the EclA report in the form of a Technical Note, a Lighting Review Statement and revised Biodiversity Net Gain (BNG) Statutory Biodiversity Metric have also since been submitted.

These have been the subject of further consultation with the Council's Ecologist, whose comments are summarised in the following paragraphs.

The Technical Note and EclA acknowledge that the development would result in biodiversity net loss of habitats. The site is mapped as a Priority Habitat, which are habitats considered of principal importance for the purpose of conserving or enhancing biodiversity, under Section 41 of the Natural Environment and Rural Communities Act (2006). The site was discounted from the local plan site selection partly based on the designation of woodland habitat.

However, it should be recognised that the southern parts of the site consist of hardstanding and grassland and unlikely to be considered as a Priority Habitat.

The EclA expands upon the site's habitats varying between grassland and scrub and it is advised that it had been grazed for over 20 years. Satellite image shows that between 2016 and 2018 the wooded nature of the site was reduced. For BNG purposes, under the mandatory framework only habitat changes made on or after January 2020 would be considered.

The applicant proposes to offset the losses of habitats and deliver 10% BNG using a habitat bank located outside of Honiton. The habitat bank is not currently registered on the Natural England offsite register, but it is envisaged that it would be by the end of this year.

The EclA and Technical Note consider, despite the habitat losses, the proposed tree, hedge and scrub planting would maintain habitat connectivity to the nearby offsite areas of woodland and non-statutory designated wildlife sites.

In addition, the proposed site design layout has been amended to include a dark corridor around the whole development. The design is included in an appendix to the Technical Note and the Lighting Review Statement.

Although no lux contour plan has been provided, the Lighting Review Statement indicates that based on the submitted plans, the provision of dark corridors should be achievable subject to detailed assessment and control measures.

In relation to BNG, the amended calculations set out in the revised metric indicate the submitted proposal would result in a net loss of -9.29% area biodiversity units and a net gain of +58.87% hedgerow biodiversity units post development.

The proposals include the enhancement of an area of grassland into other neutral grassland in good condition. It is stated this area will have restricted access, i.e. access only provided for maintenance rather than being used for Public Open Space. To ensure feasibility of the proposed enhancement measures, ongoing maintenance and monitoring will be required.

Any proposed creation or enhancement of other neutral grassland in good condition should be supported by soil nutrient testing to ensure it is feasible. This would be required to inform a Habitat Management and Monitoring Plan (HMMP).

Given the site is mapped as Priority Habitat for woodland and is within a maternity roost sustenance zone for lesser horseshoe bats, it is recommended that the ecological enhancement area is developed into woodland mosaic habitat including areas of mixed scrub. This would also be beneficial to dormice.

As landscaping is proposed as a reserved matter, this could be addressed by means of the submission of a detailed landscaping plan at this later stage.

While the provision of species-rich hedges on the site would deliver a net gain, it is recommended that hedges be provided as species-rich Devon bank style hedges with occasional standard trees. It is also recommended that hedges be provided around the boundaries of the dark corridors in front of close-boarded timber fencing/development platform.

In conclusion, the development would result in a quantified net loss of habitats, which are mapped as Priority Habitat, and would result in the degradation of previously identified Strategic Nature Area in open countryside. However, the supporting documents consider that wider landscape connectivity would be maintained through the delivery of onsite planting measures.

It is proposed to offset residual development impacts, meet the minimum 10% biodiversity net gain objective, and to meet trading rules using a habitat bank located in a separate landscape character area. This is acceptable under the mandatory BNG framework.

Technical concerns regarding the feasibility and delivery of dark corridors have been addressed in the Lighting Review Statement and amended site plan. The dark corridors are predicted to be achievable subject to detailed modelling analysis and secured suitable control measures.

The proposals would deliver significant onsite gains and provide habitat for protected species, including a regionally important bat roost.

The statutory BNG condition does not legally secure the long-term maintenance of habitats. Therefore, to provide certainty in delivery and long-term maintenance, securing ecological enhancements with a planning obligation (S106 agreement) is recommended.

The proposed mitigation, creation and enhancement measures for other protected and notable species are appropriate and proportional to the predicted impacts for the proposed scale of development. They would therefore meet with the relevant

provisions of Local Plan Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) that seek to ensure that the negative impacts arising from development are appropriately mitigated and, where not possible, that adequate compensatory habitat creation or enhancement is incorporated in the interests of maintaining biodiversity.

Conditions are therefore recommended to:

- secure compliance with the ecological measures set out within the EclA, Technical Note and Lighting Review Statement
- require the submission for approval of a Construction and Ecological Management Plan (CEcoMP)(previously recommended at condition 10)
- require the submission for approval of a detailed lighting scheme based on the Lighting Review Statement
- require the submission for approval of a Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development

Aviation Safeguarding

The proposal has been examined from an aerodrome safeguarding aspect by Exeter Airport and does not appear to conflict with safeguarding criteria.

However, due to the type of development being within an area of potential Instrument Flight Procedure (IFP) interference from hazards presented by wildlife, a condition is recommended to secure the submission of an IFP assessment, which would in turn be the subject of review by the Airport, to ensure that all safeguarding criteria are satisfied.

This also assumes that there are no changes made to the application proposals.

Subject to this, the provisions of Local Plan Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones), which, among others, preclude developments in the vicinity of an airport that would compromise air safety.

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 West Hill. The proposal does not therefore 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, including affordable housing, 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. The provision of affordable housing, a key priority of the NPPF and Government policy, carries substantial weight in the planning balance.

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.

Further, whilst the omission of the site as a housing allocation in the emerging Local Plan is recognised, it is reiterated that recent appeal decisions have shown that even if a site is not allocated in either the current adopted or draft emerging plan or is outside development boundaries, housing proposals can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict, they would not unbalance communities and are within reasonable reach of an appropriate level of services and facilities.

In this case, the site is considered to be accessible to a suitable range of services and facilities within West Hill

It is therefore recommended that planning permission be granted as the benefits of the development, including the delivery of housing to improve the district's housing land supply, are material considerations that outweigh the identified conflict with the policies of the development plan. Any harm would not significantly and demonstrably outweigh the benefits of this scheme.

A recommendation of approval, subject to conditions, completion of appropriate section 106 obligations to secure the affordable housing and balancing off-site contribution and adoption of the Habitat Regulations appropriate assessment (below) is therefore made.

Habitat Regulations Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of designated European sites and the proposed development 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. This development will be CIL liable and the financial contribution has been secured by way of a unilateral undertaking. 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.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That, subject to section 106 obligations being agreed to secure 4no affordable dwellings and an affordable housing financial contribution, the Council recommend to the Planning Inspectorate that the application be APPROVED subject to the following conditions:
 1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
 3. 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.)
 4. The approved landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be implemented and remain in place throughout the development. The CMP shall include:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) details of the amount and location of construction worker parking.
 - (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.
 - (o) measures for the control of: air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control and monitoring arrangements.

Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CMP.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site and to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)
7. Before development above foundation level is commenced, 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 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.)
8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in B.S. 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturist and submitted to the Planning Authority for approval and final discharge of the condition.

In addition, prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing the layout of any existing, replacement or new above and below ground services, foul and surface water drainage and other infrastructure (insofar as they may affect existing trees) shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. NJUG Vol. 4 Guidelines). Such layout and design and implementation shall provide for the long term retention of the trees and hedgerows. Any unavoidable but necessary

root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with B.S. 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement/approved service/drainage/infrastructure layout.

Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031.)

9. No individual dwelling shall be occupied until the access, turning area, parking and garaging necessary for and associated with that dwelling have been completed in accordance with the approved plans. The turning areas, parking and garaging shall thereafter be kept free of obstruction and available for use for these purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access and TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

10. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the Local Planning Authority. The CECoMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication, including reporting compliance of actions to the Local Planning Authority.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements. i.e. for reptiles, dormice and bats
- (h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures further to a pre-construction risk evaluation of potentially damaging construction activities and the agreement of appropriate management measures, where necessary, in

accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

11. The development shall be carried out in accordance with the Ecological Impact Assessment (Richard Green Ecology, May 2025), Technical note (Richard Green Ecology, September 2025), and Lighting Review Statement (The Lighting Bee, September 2025), in particular the ecological mitigation and enhancement measures. The development shall not be first occupied until the Local Planning Authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
 - a) integrated bat boxes (2 per dwelling)
 - b) integrated bird boxes (1 per dwelling)
 - c) insect bricks (1 per dwelling)
 - d) hedgehog highways [13 cm² holes at ground level every 5 m]
 - e) Reptile/amphibian hibernacula (1 no.)have been installed/constructed, and compliance with any required ecological method statement(s) including the pre-inspection of trees for bats results.
(Reason - To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)
12. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of 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.)
13. No individual dwelling shall be occupied until the cycle and bin storage facilities for that dwelling have been provided in accordance with the details shown on drawing no. 358/303 B. The approved facilities shall thereafter be retained in perpetuity.
(Reason - In the interests of promoting sustainable travel and ensuring that adequate provision is made for the storage of recycling and refuse within the development in accordance with Policies TC4 (Footpaths, Bridleways and Cycleways) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
14. No development shall commence until an Instrument Flight Procedure (IFP) assessment has been submitted to, and approved in writing by, the Local Planning Authority.
(Reason – A pre-commencement condition is required in the interests of aviation safety and to comply with Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the adopted East Devon Local Plan 2013-2031.)

15. Notwithstanding the submitted details, no development shall take place until details of the means of disposal of surface water drainage from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied, or as may otherwise be agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained for the lifetime of the development.

(Reason - A pre-commencement condition is required to enable investigation into the potential use of sequentially preferable sustainable drainage systems in the interests of adapting to climate change and avoiding flood risk to meet with the requirements of Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

16. No development shall commence unless a detailed lighting scheme based on the Lighting Review Statement (The Lighting Bee, September 2025), has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate, through appropriate lux contour modelling (considering internal and external lighting and the horizontal and vertical planes) and specification, that the proposed lighting will not result in adverse impacts on nocturnal wildlife, particularly bats and dormice, and shall be fully compliant with the most recent guidance from the Institution of Lighting Professionals (currently GN08/23: Bats and Artificial Lighting at Night).

The lighting scheme shall include:

- a) Details of all proposed luminaires, including type, location, height, orientation, and light levels.
- b) Measures to minimise light spill onto key habitats, including hedgerows, scrub, and the ecological enhancement area.
- c) Specifications for motion-activated lighting, timers, and shielding to reduce unnecessary illumination.
- d) Confirmation that all luminaires lack UV elements and use warm white light sources (2700K or lower).
- e) A plan showing the location of sensitive ecological features and how they will be protected from light intrusion.

Once approved, the lighting shall be installed and maintained strictly in accordance with the approved scheme. No variation shall take place without prior written consent from the Local Planning Authority.

(Reason – A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

17. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.

The Plan shall be prepared in accordance with the approved soft landscape plans and shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period) in relation to:
 - i. Existing trees and hedgerows/banks.
 - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
- g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- k) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

1.1. Notice in writing shall be given to the Council when the HMMP works have started.

1.2. No occupation shall take place until:

a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and

b) Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30- year BNG maintenance and monitoring period.

1.3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.4. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason – A pre-commencement condition is required to ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed 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 applies (planning permission for development already carried out).

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.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

358/300	Location Plan	30.01.25
358/320	Proposed roof plans	30.01.25
358/312	Proposed Plans Combined	29.01.25
EWB:358/300	Location Plan	13.01.25

EWB:358/306	Proposed Floor Plans	13.01.25
EWB:358/309	Proposed Floor Plans	13.01.25
EWB:358/311	Proposed Combined Plans	13.01.25
EWB:358/315	Combined Plans	13.01.25
EWB:358/316	Proposed Elevation	13.01.25
EWB:358/307	Proposed Floor Plans	13.01.25
EWB:358/310	Proposed Elevation	13.01.25
EWB:358/313	Combined Plans	13.01.25
EWB:358/314	Proposed Elevation	13.01.25
EWB:358/302 B	Proposed Block Plan	29.04.25
EWB:358/303 B	Proposed Site Plan	29.04.25

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.

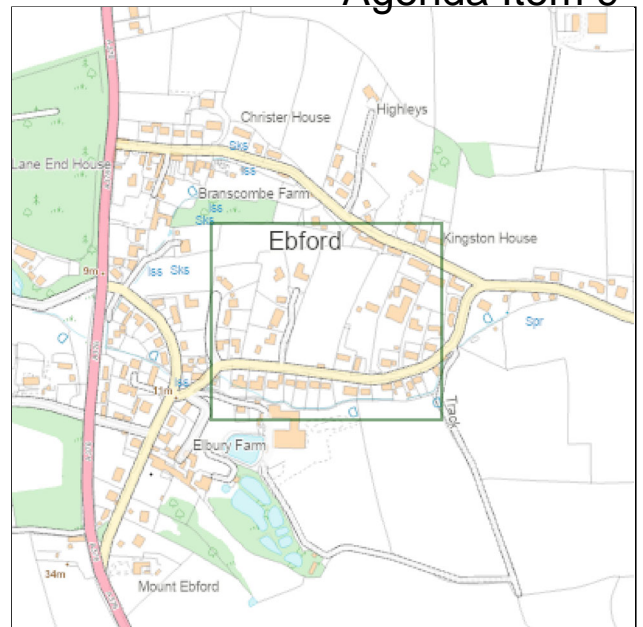
Ward Clyst Valley

Reference 25/1487/PIP

Applicant Mr Ian White (RBL Homes)

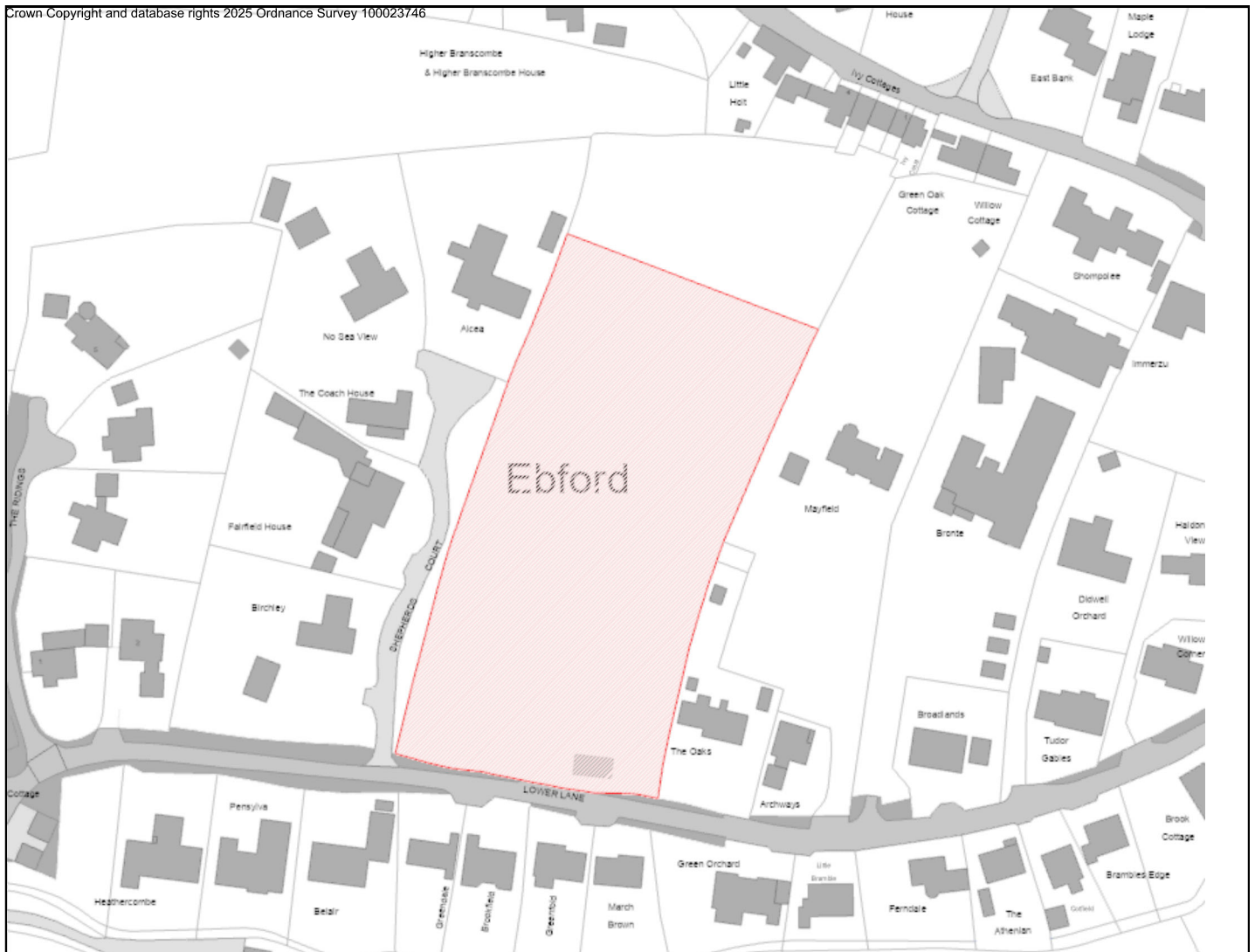
Location Land Adjoining Shepherds Court Lower Lane Ebford

Proposal Permission in principle for the erection of 5no. self-build dwellings



RECOMMENDATION: PIP Grant of Permission in Principle

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		Committee Date: 18.11.2025
Clyst Valley (Clyst St George)	25/1487/PIP	Target Date: 22.08.2025
Applicant:	Mr Ian White (RBL Homes)	
Location:	Land Adjoining Shepherds Court Lower Lane	
Proposal:	Permission in principle for the erection of 5no. self-build dwellings	

RECOMMENDATION: APPROVE

EXECUTIVE SUMMARY

The application is before members as the development is a departure from the Local Plan.

The application seeks Permission in Principle (PiP) for the erection of five self-build dwellings on land adjoining Shepherds Court, Lower Lane, Ebford. The site lies outside any designated settlement boundary and is therefore considered open countryside under Strategy 7 of the East Devon Local Plan. Historically, similar applications on this site have been refused, but the Council's current inability to demonstrate a five-year housing land supply activates the "tilted balance" under paragraph 11(d) of the National Planning Policy Framework (NPPF), which favours sustainable development unless adverse impacts significantly outweigh the benefits.

The proposal conflicts with several policies in both the East Devon Local Plan and the Clyst St George Neighbourhood Plan, particularly those relating to development in the countryside, sustainable transport, and local character. Ebford is not identified for housing growth, and concerns have been raised about the site's reliance on private vehicles due to limited local services. However, a recent appeal decision for a nearby site concluded that Ebford is a sustainable location, with reasonable access to services and public transport. Officers consider the current site to be similarly sustainable.

Highway safety concerns have been raised by the Parish Council and local residents, citing narrow lanes and poor visibility. Despite this, Devon County Council Highways have not objected to the proposals. Having considered their comments in response to past applications made for housing at the application site, it was recommended that potential impacts during the construction phase be managed through a Construction Management Plan at the Technical Details Consent (TDC) stage.

The site is also subject to ecological sensitivities, including proximity to protected habitats. A Habitat Regulations Assessment was undertaken, and mitigation has been secured via a signed Section 111 agreement and financial contribution.

The proposed development would alter the semi-rural character of Ebford, but officers believe the density and layout could reflect nearby developments and be designed to respect local distinctiveness. The application also contributes modestly to the district's self-build housing supply, which, although currently met, still adds value under the planning balance.

In conclusion, while the proposal does conflict with some local and neighbourhood plan policies, the lack of a five-year housing land supply and the modest benefits of self-build housing weigh in favour of approval. The application is considered acceptable under the tilted balance of the NPPF and is recommended for approval.

CONSULTATIONS

Local Consultations

Clerk To Clyst St George Parish Council
Planning Objection.

25/1487/PIP Land adjoining Shepards Court, Lower Lane Ebford.

The Parish Council Objects on the grounds that the site does not have a "safe and suitable access route" contrary to our N.P. policy CSG1 v. Lower Lane close to it's junction with Old Ebford Lane narrows in width, single vehicles at a time, with a blind turn onto the junction with Old Ebford Lane. No pavement either, which puts pedestrians at risk. It is also a designated and well used cycle route from the Exe Trail to Woodbury . Alongside this narrow area is Ebford Cottage a Grade 2 listed building and additional traffic would affect it contrary to GSG 8 protecting our built heritage. The increase in traffic from an additional 5 large houses (based on the size of the site) $5 \times 2.5 \times 2 = 25$ minimum on top of the existing traffic. The Parish Council also know that Ebford is unsustainable without the use of the car. Public transport, Bus route 57 runs 18 hours a day from Exeter to Exmouth and is good if you work in Topsham, the R.D. & E. Hosp. and central Exeter or Exmouth , however whole swathes of Exeter business parks are not served by public transport from Ebford. The nearest supermarket is the Co-op in Topsham, as Dart's Farm Shop would not satisfy the consumer for all their weekly needs. Walking to Topsham would take in excess of 30 minutes and could take longer or had a load of shopping to carry. The nearest Doctors surgery is at Holman Way Topsham, again a 30 mins walk unless you felt unwell! a further 10 mins walk to collect a prescription. Walking to Clyst St. George to the primary / pre-school is not a realistic option as parents would not want to risk walking children along the narrow pavement, less than a meter wide in places, alongside a busy A376 with HGVs Vans buses and cars inches away! The final part of the walk to school would include crossing the B3179 road to

Woodbury a busy commuter route into Exeter. Similarly, an evening stroll to the Pub the St. George & Dragon would be hampered by the need to cross the busy roads, as when the roads are less busy the speed of traffic rises.

Technical Consultations

EDDC Trees

In principle I do not object to the proposal. However there appears to be a number of trees constraints all of which are located on the boundaries of the site which would need to be considered during the design process. Therefore any future application would need to be based on sound arb principles and therefore a full BS5837 survey including tree constraints plan and arboricultural impact assessment would be required. A strong landscaping scheme including large canopy sized trees and the reestablishment of individual hedgerow trees is considered appropriate.

Housing Strategy/Enabling Officer - Cassandra Pressling

The adopted Local Plan, Strategy 34 states the threshold as to when affordable housing is required.

In rural areas, residential developments of 1 - 5 dwellings are not required to make a financial contribution.

I therefore have no comments to make on this application and will not be seeking any affordable housing obligations.

Other Representations

29 Objection comments have been received. The following matters have been raised:

1. Planning History and Procedural Concerns

- The site has been subject to multiple previous applications, all refused.
- Objectors argue the current Permission in Principle (PiP) application is a repackaging of previously rejected proposals.
- Concerns raised about the misuse of PiP to bypass scrutiny and planning policy.

2. Conflict with Planning Policy

- The proposal conflicts with:
 - **East Devon Local Plan** (Strategies 5B, 7, 27)
 - **Clyst St George Neighbourhood Plan** (Policies CSG1, CSG8, CSG9)
 - **National Planning Policy Framework (NPPF)**
- Ebford is not a designated settlement for housing development.

3. Environmental and Ecological Harm

- Loss of greenfield land and biodiversity.
- Threats to:
 - Toad migration routes
 - Hedgerows and mature trees

- Bat populations
- Meadow flora and fauna
- No evidence of Biodiversity Net Gain (BNG) as required by the Environment Act 2021.

4. Flood Risk and Drainage Issues

- Site is prone to flooding and has poor permeability.
- Increased surface water runoff could worsen flooding in Lower Lane and surrounding areas.
- Existing drainage and sewage infrastructure is inadequate and has caused past failures.

5. Infrastructure and Access Deficiencies

- Narrow rural lanes with no pavements or safe pedestrian access.
- Poor visibility and unsafe junctions.
- Lack of basic services (e.g., refuse collection, emergency access, utilities).

6. Traffic and Highway Safety

- Increased vehicle movements, including HGVs during construction.
- Safety risks for pedestrians, cyclists, horse riders, and elderly residents.
- Lane is part of the National Cycle Network and heavily used by non-motorised users.

7. Unsustainable Location

- No local amenities (shops, schools, healthcare).
- Heavy reliance on private vehicles.
- Poor public transport access and unsafe walking routes.

8. Impact on Local Character and Amenity

- Development would urbanise a rural hamlet.
- High-density, luxury housing is out of character with Ebford's low-density layout.
- Loss of visual and spatial harmony.

9. Noise, Light, and Air Pollution

- Increased disturbance from construction and residential use.
- Light pollution affecting wildlife and dark-sky quality.

10. Questionable Self-Build Claims

- Allegations that previous "self-build" homes were actually standard developer builds.
- Concerns about misuse of self-build designation to avoid taxes and regulations.

11. Misrepresentation and Lack of Transparency

- Inaccuracies in the planning statement (e.g., access road status).
- Omission of relevant refusal history.
- Lack of technical detail deferred to later stages.

12. Community Fatigue and Erosion of Trust

- Repeated applications seen as a tactic to wear down opposition.
- Residents feel burdened by having to continually object.
- Perception that the proposal is driven by profit, not community need.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 34 (District Wide Affordable Housing Provision Targets)

TC7 (Adequacy of Road Network and Site Access)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Clyst St George Parish Neighbourhood Plan 2015 – 2031

CSG1 (Sustainable Development)

CSG3 (Flood Risk)

CSG5 (Development Outside the Settlement Areas)

CSG6 (Protection of Trees and Woodlands)

CSG9 (Design Matters)

OFFICER 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.

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 Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.

In this case, the application site is agricultural and therefore not considered brownfield land and as such, not listed on the Local Planning Authority's Register. Therefore, the applicant must undergo the two-stage process. The first being the permission in principle stage and the second technical details consent (TDC) stage.

At 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.

Material Planning Considerations

The officer's delegated reports for 23/0359/FUL, 23/0348/FUL and 23/0358/FUL which collectively sought planning approval for the construction of 13 dwellings and an access track at the application site were refused on principle, lack of information with regards to surface water, absence of a Section 106 agreement to secure affordable housing and impacts on character of the area and amenity of adjacent properties.

Since determination of these applications the Council is now unable to demonstrate a five year land supply and therefore the provisions of paragraph 11d) of the National Planning Policy apply.

Furthermore, a recent appeal decision for an appeal lodged against the Council's refusal of planning permission at Land at Branscombe Farm, Ebford Lane for the construction of two dwellings was dismissed. The application was considered in context of paragraph 11d) and whilst dismissed the inspector found that the appeal site was in a sustainable location (See paragraphs 7 – 12 of APP/U1105/W/24/3347347 EDDC Ref 24/0110/FUL, included later in this report).

These are a material change in circumstances since determination of 23/0359/FUL, 23/0348/FUL and 23/0358/FUL.

Principle of Development

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. Whilst the focus is on the West End and the seven main towns, development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan defines the countryside as all areas within the plan area that are outside of site-specific allocations or built-up area boundaries. On this basis, the site lies in open countryside and therefore the provisions of Strategy 7 apply which stipulate that '*Development shall only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development*'.

The Clyst St George Neighbourhood Plan was 'made' 10.01.2019 and therefore forms part of the Development Plan for East Devon. The proposals in this case concern residential development in the countryside, outside of any settlement boundary thereby conflicting with Strategy 7 of the local plan. Furthermore, the construction of five dwellings would not contribute to the sustainability of Ebford or reuse previously development land as required by NP Policy CSG1 (Sustainable Development).

Location and Accessibility

Strategy 5b (Sustainable Transport) of the Local Plan requires development to contribute to the objectives of promoting and securing sustainable modes of travel and transport, be at locations where it will encourage and allow for efficient, safe and accessible means of transport. Policy TC2 requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The officer's delegated reports for 23/0359/FUL and 23/0358/FUL, which collectively sought planning approval for 13 dwellings on the same site, were refused by officers partly on grounds that the village lacked services and facilities to support residential growth and thereby in conflict with policies 5b and TC2 of the Local Plan. However, in determining appeal APP/U1105/W/24/3347347 (24/0110/FUL) the inspector concluded the following:

7. With regards to local facilities and services, there are limited facilities within Ebford. The appellant has drawn my attention to local facilities to the north of the appeal site, in particular Darts Farm Shop, along with a number of local employment uses, a primary school and a pub. Access to these would be through the village and then along the A376.

8. The route through the village has no footpaths or streetlights. That said, the appeal site is not in an isolated location and the route through the village would involve passing existing dwellings and given this, motorists would be conscious of being within a village and therefore more prepared to encounter pedestrians. Such a route is not unusual within rural settlements, and it therefore does not automatically mean that it would deter future occupiers from walking the route to the extent that it would deter those living at the site from accessing those facilities by means other than a private vehicle.

9. In contrast to Ebford Lane, the A376 is a busy, heavily trafficked route. It is however served by footpaths on both sides and is lit. Whilst the route is not necessarily flat or straight and the footpaths are relatively narrow at points, I do not consider it to be of such a constraint as to deter future residents from using them to access nearby services. Neither do I consider the identified facilities to be of such a distance away as to act as a deterrent. There is also a pelican crossing to the south, which provides a safe crossing point. To the south, within a relatively short walk of the appeal site are bus stops, which from the information provided, offers a service between Exeter and Exmouth.

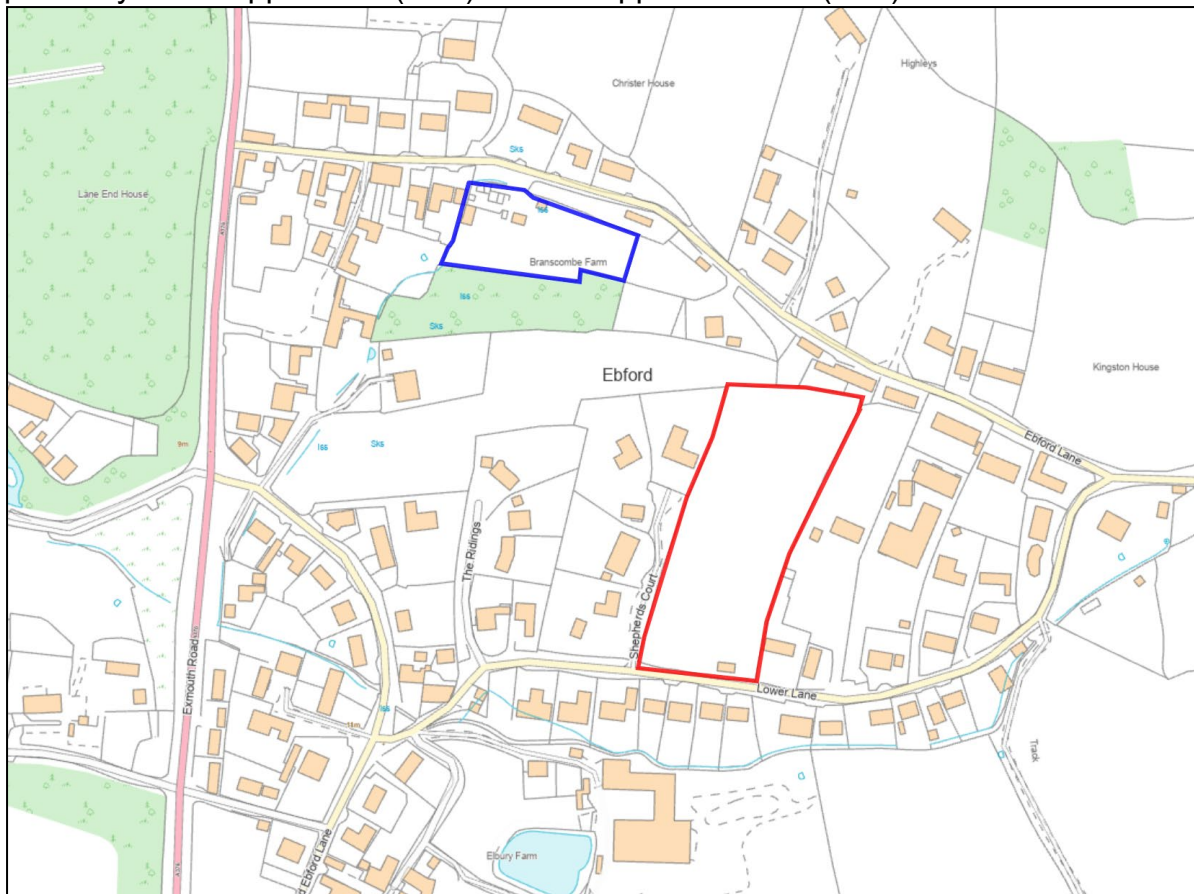
10. Whilst I find the appeal site to be in a location where future occupiers could at times walk or cycle to the surrounding services, due to the limited number of services locally, I find that it is likely that most trips to access employment, schools and other everyday needs, would be made by private vehicles.

11. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited, with paragraph 110 of the Framework recognising that opportunities to maximise sustainable travel choices will be different between rural and urban areas. Consequently, despite the countryside location of the appeal site, given the alternative options available, along with access to public transport, I do not find the

appeal site to be so poorly located in terms of travel patterns and choices. Moreover, whilst I find that an increase in travel by private car would be a likely inevitable consequence of the proposal, given the limited size of the development, the likely trip generation is unlikely to have a notable impact on the level of traffic using the lane or road safety.

12. For the above reasons, I therefore conclude that, despite its location, the appeal site lies within a sustainable location in relation to access to services and facilities and, in this respect, accords with policies 5B, Strategy 7 and TC2 of the EDLP and the Framework.

The appeal site is located closer to the services and facilities located in Clyst St George and Darts Farm when compared to the application site. Prospective occupants of the application dwellings would be required to walk along Lower Lane to get to the pedestrian footpaths along Exmouth Road. The image below demonstrates the proximity of the appeal site (blue) and the application site (Red) to Exmouth Road.



Despite the inspector concluding that the appeal proposals would result in the some dependency in private modes of transport by prospective occupants, the proposal for two houses was considered to comply with Strategy 5b and Policy TC2. Whilst the occupants of the current proposals would be required to walk further along the A376 to access those services and facilities to the north, the view of officers is that the relationship is not so significantly different to warrant taking an alternate view to that concluded by the inspector on such matters. As such the proposals are considered acceptable with regards to their compliance with 5b and TC2.

Impact on Character and Appearance of the Areas

The site, whilst an agricultural field, contributes to the prevailing semi-rural and low density character of the village. The form and character of Ebford, being low density residential use interspersed with agricultural fields is one fairly unique to the location. As a result, developing the site for the construction of five dwellings would inevitably erode the rural and agricultural character of the site.

However, the layout of five dwellings at the site can reflect a density and layout similar to existing development at the Ridings and Shepherds. Whilst such matters are reserved for later consideration at Technical Details Consent Stage (TDC), it is anticipated that in principle the amount of development sought (which can be considered at this stage) can deliver development that accords with policy D1 (Design and Local Distinctiveness) of the Local Plan, policy CSG9 (Design Matters) of the Clyst St George Neighbourhood Plan.

Notwithstanding this, the scale, massing, layout and design shall need to be carefully considered at TDC stage to ensure that keeping with the local character of neighbouring buildings.

Trees

In principle the tree officer does not object to the proposal. There are a number of trees constraints all of which are located on the boundaries of the site which the tree officer has requested to be considered during the design process. This shall need to be demonstrated at TDC stage. Therefore, any future application would need to be based on sound arboricultural principles and therefore a full BS5837 survey including tree constraints plan and arboricultural impact assessment would be required. A strong landscaping scheme including large canopy sized trees and the re-establishment of individual hedgerow trees is considered appropriate. No conflict is identified with Policy D2 (Trees and Development Sites) of the Local Plan.

Highways

A significant number of objections, including from the Parish Council, have raised concerns with regards to the development's impact on highway safety. The application site would be accessed off Lower Lane which limits vehicular traffic to 20mph. However, there is some sympathy with local concern as the lane is narrow at certain points, particularly just before the turning onto Ebford Lane.

The County Highway Authority have not objected to the application, in response to three planning applications submitted March of last year the following comments were received:

The development is involved with two other associated planning applications; however I have to assess each one separately.

The self-build detached houses have sufficient space for off-carriageway parking and turning. The trip generation from this development is likely to be slightly above the benchmark of permitted agricultural use, however I do not believe to such a severity that it will trigger clauses in the National Planning policy framework (NPPF).

I would recommend the provision of secure cycle storage and a Construction and Environment Management plan (CEMP) to help mitigate trip generation and general impact on the local highway network.

'Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in

advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.'

The above comments, which were in response to proposals concerning the construction of 13 dwellings, are considered applicable to the current application. Whilst concerns from third parties with regards to the safety concerns over vehicular traffic are duly acknowledged, it is the view of officers that given the County Highway

Authority's position on the former planning applications, the current proposals cannot be opposed on highway safety grounds.

The County Highway Authority did suggest conditions by way of a Construction Management Plan. The Local Planning Authority cannot attach conditions to a Permission in Principle application but can either entertain such details at TDC stage or secure the submission of the CMP as a condition at that stage which shall seek to ensure the type and frequency of construction traffic during the construction phase is appropriately managed.

The application is therefore considered to be in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan. The development shall need to provide an appropriate level of parking at TDC stage and demonstrate it complies with Policy CSG17 of the Neighbourhood Plan and TC9 (Parking Provision in New Development) of the Local Plan.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and the Exe Estuary 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 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.

Whilst mitigation is normally secured through the CIL process and financial contributions (Non-infrastructure), the permission in principle legislation does not permit planning obligations to be secured. This is further explained within the PPG at paragraph 005 which states:

'Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017. This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in

place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.'

Whilst planning obligations cannot be secured at this stage, financial contributions can be secured through S.111 agreements to facilitate the discharge of its planning function by securing up-front payments of money to help mitigate the impact of development on protected sites to enable the grant of planning permission especially when planning obligations cannot be secured at the permission in principle stage.

The applicant has provided a signed S.111 form and payment of the financial contribution has been made.

Conclusion

On 12 December 2024, the NPPF was updated, reverting to the more usual position whereby the Council is required to demonstrate a 5-year housing land supply. Changes to how this is to be calculated mean that the Council can now only demonstrate 2.97 years of supply. As such, and as explained in more detail below, the tilted balance is now engaged. This is a material change in circumstances compared to when applications 23/0359/FUL and 23/0358/FUL were determined when the principle of residential development of the site was last considered by the LPA.

The National Planning Policy Framework (NPPF) published in December 2024 is a material consideration in the determination of planning applications. The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or
- ii) 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 that 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 the so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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.

Given the above, it is conceded that the council have a shortfall in the supply of required housing and that the tilted balance within the presumption of favourable development is engaged.

The application also indicates the units would be constructed as self-build/custom which would make a modest contribution to the Council's obligations to provide enough suitable serviced plots of land to meet the demand for SCB housing in their area. The Council's latest Self-build Demand and Supply Monitoring Report (published February 2025) concludes that despite a decrease in the number of plots being granted permission, the supply during the most recent base period has met demand, including residual demand, with a surplus of 3 plots.

The proposals would make a modest contribution to the Council's stock of serviceable plots, this draws modest weight in the planning balance given the LPA has already met the demand over the last year.

Having given due regard to the aspects of the development that can be considered at this stage, it is the view of officers that given the limited harm that has been identified and given the views of the inspector in the Branscombe Farm appeal, when viewing the proposals in context of the 'tilted balance' the application is considered acceptable and therefore recommended for approval.

RECOMMENDATION

1. Adopt the Appropriate Assessment.
2. Permission in principle to 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.

The application is subject to a signed S111 form and associated payment towards habitat mitigation - dated 22th July 2025 and received by the Council on the 15th July 2025.

Plans relating to this application:

Location Plan	17.07.25
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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.

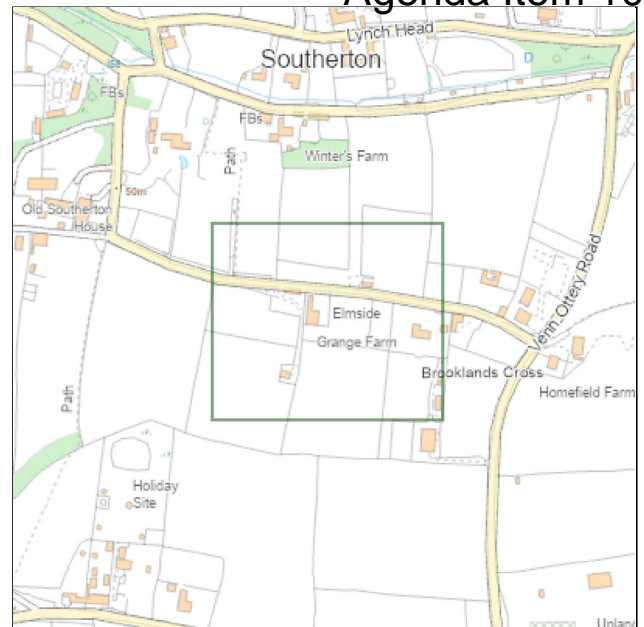
Ward Newton Poppleford And Harpford

Reference 25/1180/FUL

Applicant Mrs Karin Boase

Location Elmside Newton Poppleford Devon EX10 0BY

Proposal Part retrospective full planning application:
Proposed incidental outbuilding (garage / workshop) and change of use of paddock to residential use and retention of existing access.



RECOMMENDATION: Approval with conditions

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25/1180/FUL		Committee date: 18.11.2025
Newton Poppleford and Harpford	Target Date: 08.08.2025	EOT Requested: 22.10.2025
Applicant:	Bondstones (Miss Sarah Henderson) The Old Library Hestercombe House Taunton TA2 8LG On Behalf Of Mrs Karin Boase Elmside Newton Poppleford Devon EX10 0BY	
Location:	Elmside Newton Poppleford Devon EX10 0BY	
Proposal:	Part retrospective full planning application: Proposed incidental outbuilding (garage / workshop) and change of use of paddock to residential use and retention of existing access.	

RECOMMENDATION: Approval with Conditions

EXECUTIVE SUMMARY

This application is before the Committee as the Parish Council and local Ward Member object to the proposal, and the officers recommendation is to approve.

The application seeks permission for the construction of a new detached outbuilding (garage / workshop), change of use of an adjacent paddock to residential use - and for the retention of a vehicular access.

Although the proposal represents a departure from the strict protection of the countryside under Strategy 7 of the East Devon Local Plan, when considered in

the context of previous appeal decisions, it is not considered that a refusal could be sustained on matters of principle.

The change of use would not result in significant visual intrusion or harm to the character and appearance of the National Landscape, subject to suitable landscaping to mitigate loss of the roadside hedgerow and there is no adverse impact on amenity.

On balance, the proposal is considered to be acceptable and whilst contrary to the aims of Strategy 7 it does conform with Strategy 46 and 47 and Policies D1 and D2 of the East Devon Local Plan, subject to conditions.

The application is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Parish/Town Council

Council do not support this application in view of shortcomings on the planning site.

Cllr C Burhop

Although this site is being described as 'paddock' by the applicant it would appear that the land is actually classified as agricultural land and as such is classed, I believe, as 'Best and Most Versatile' agricultural land.

Strategy EN13 of EDDC's made Local Plan states that such land is protected from development unless the benefits of development outweigh the loss of such land. The fact that the applicant is not currently using the land as agricultural land is, I believe, irrelevant in this case.

I cannot see that there is any net benefit from developing on this land and therefore would have to object on this basis.

Furthermore, Strategy 46 of the same Local Plan states that development in the AONB (now National Landscape) should be resisted unless the development conserves and enhances the National landscape and does not undermine the landscape quality. As custodians of the National Landscape I believe we have a responsibility to resist this development on this basis.

EDDC's Tree Team

The site lies within the East Devon National Landscape, and part of the application seeks retrospective permission for the retention of a new access into what was previously agricultural land, along with its conversion into residential garden.

Aerial imagery (Outlined in yellow, below) and Google Street View (Shown below) confirm that the northern boundary of the site was formerly a continuous Devon hedgerow, a traditional and ecologically significant boundary feature. Devon

hedgerows are characteristic of East Devon's rural landscape and contribute significantly to the historic, ecological, and visual character of the National Landscape. The removal of this section of hedgerow has resulted in harm and domestication of this protected landscape. The principle of the new access, even retrospectively, should be refused.

The submitted landscaping proposals do not provide sufficient detail to demonstrate that the loss of the historic hedgebank has been adequately offset or mitigated. The proposal fails to conserve or enhance the landscape character and instead undermines the landscape quality, contrary to Strategy 3, 5, and 46, along with Policy D1 and D2 of the East Devon Local Plan.

Furthermore, the removal of the hedgerow appears to have been carried out in contravention of the Hedgerow Regulations 1997. Should the application be refused, enforcement action be initiated and a Hedgerow Replacement Notice served to secure reinstatement of the original boundary treatment.

With regard to the proposed driveway and garage, no arboricultural information has been submitted to demonstrate how these elements will be constructed without damaging the Root Protection Areas (RPAs) of trees and hedgerows along the southern site boundary. The proposed soakaway also appears to fall within the RPA of a hedgerow and adjacent maple tree and would need to be relocated if the scheme were approved.

While the construction of the proposed driveway and garage may be technically feasible from an arboricultural perspective, they are not achievable without further detail on how these works will be carried out to avoid damage to the retained hedgerow and trees. It may, in fact, be more straightforward to relocate the proposed garage and driveway further north, away from the adjacent hedgerow and trees, to reduce potential impacts.

If planning permission is granted (whether under delegated powers, by committee, or at appeal) it should be subject to conditions requiring:

Relocation of the soakaway outside the Root Protection Areas (RPAs) of the adjacent hedgerow and trees;

Construction of the garage on a piled foundation, with the finished floor level set above ground level within the RPAs;

A no-dig driveway design within the RPAs of the adjacent hedgerow and trees; and
Submission of an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012.

EDDC Landscape Architect

Thank you for consulting me on the above application. Due to work commitments and the limited scale of this application I am unable to provide a formal response but if there any landscape issues I would happy to advise at one of my landscape surgeries.

EDDC Ecology

Following the removal of the Devon hedgebank along the northern boundary, I fully support the concerns raised by the EDDC Tree Officer (dated 12/08/25). Historical Ordnance Survey mapping (1890) confirms this was an established and historic hedgebank, recognised as a Devon Biodiversity Action Plan (DBAP) habitat and listed as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraphs 187(d) and 192(b) of the National Planning Policy Framework (NPPF, 2024) emphasises the importance of conserving and enhancing the natural environment. Given the ecological and historical significance of the hedgebank, its removal represents a clear loss of a priority habitat. In line with the NPPF's requirement for biodiversity net gain, I recommend that the applicant provides a detailed compensation strategy. This should include proposals for habitat restoration or creation and demonstrate how the loss will be offset in a manner that supports ecological connectivity and long-term biodiversity enhancement.

Other Representations

No third party representations received.

PLANNING HISTORY

25/0041/FUL Full Application	Build a 2 bay garage with workshop with new driveway. Traditional timber frame with larch clad walls and rosemary clay tiled roof	Application Returned	
10/1045/FUL Full Application	Extension	Approval with conditions 01/07/2010	
06/0737/FUL Full Application	Proposed double garage	Refusal 04/05/2006	Appeal Allowed (with conditions) 25/01/2007
06/0007/FUL Full Application	Garage	Refusal 27/02/2006	
05/2008/FUL Full Application	Amendments to previously approved extension.	Approval with conditions 16/09/2005	
03/P2214 Full Application	Extension (Reapplication 7/37/03/p0328/00259)	Approval with	

		conditions 27/10/2003	
03/P0328 Full Application	Extensions	Refusal 02/04/2003	
85/P0021 Full Application	Alterations.	Permitted Development 30/01/1985	

POLICIES

National Planning Policy Framework
National Planning Policy Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7:	Development in the Countryside
Strategy 46:	Landscape Conservation and Enhancement and AONBs
Policy D1:	Design and Local Distinctiveness
Policy D2:	Landscape Requirements
Policy D3:	Trees and Development Sites
Policy EN13:	Development on High Quality Agricultural Land

Draft East Devon Local Plan (2020 – 2042) – Emerging

7 Strategic Policy:	Development beyond Settlement Boundaries
26 Strategic Policy:	Development at service villages
62. Policy:	Design and Local Distinctiveness
74 Policy:	Landscape Features
75 Policy:	Areas of Outstanding Natural Beauty
83 Policy:	Development on High Quality Agricultural Land
87 Policy:	Biodiversity Net Gain
91 Policy:	Ecological enhancement and incorporation of design features to maximize the biodiversity value of proposals
92 Policy:	Tree policy

Newton Poppleford and Harpford Neighbourhood Plan

Policy EP1	Conservation and enhancement of the East Devon AONB and Natural Environment
Policy EP4	Surface Water Run-off
Policy EP6	Local Amenity
Policy H3	Outside the Built-up area boundary
Policy HQD1	Maintain the built character of our parish through High Quality Design.

CONSIDERATION:**Site Description**

- The application site comprises a parcel of agricultural land located adjacent to the existing residential dwelling known as Elmside,
- The land wraps around Elmside to the East and South.
- The site lies outside of any defined built up area boundary and is therefore within the open countryside as defined by the East Devon Local Plan.
- The nearest neighbouring property known as Grange Farm is located more than 55+ metres to the East of the site.
- The land itself is positioned to the South of the unclassified road known as 'the road from Badgers Hill to Brooklands Cross'.

Description of Development

Planning permission is sought for the change of use of land from agricultural to residential, together with the formation of a new driveway and the construction of a detached outbuilding.

In addition, the proposal seeks retrospective consent for the creation of a vehicular access that has been formed via the Northern boundary of the site.

Assessment

In assessing the application, the main issue that is material to the consideration of this particular proposal is the effect of the proposed change of use on the character and appearance of the countryside and its landscape and the loss of agricultural land.

Principle of Development

Strategy 7 of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development - and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings, and

3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

There are no policies that explicitly permit the extension of residential curtilages into the countryside so this proposal is a departure from the development plan; it is necessary to assess if there are material circumstances that would justify allowing this development as a departure from the plan.

A material consideration is the appeal decision relating to planning application reference 24/0525/COU, change of use of land to a residential garden at land opposite Grange Farm, Brooklands Cross, Newton Poppleford. This site is literally just along the road from the current application site and relates to a small field opposite the main dwelling, on the other side of the road, so not even directly adjacent to the dwelling it was to serve. This appeal was allowed. The Inspectors report includes the following comments:

The proposal before me would not involve the provision of any built form on the site. It is inevitable that the use of the site as a garden would involve the siting of some domestic paraphernalia, and I noted on my site visit that the grass had already been cut short to effectively form an expanse of lawn area. However, in my view, none of this would change the fundamental openness and verdancy of the site to an extent that could constitute harm, including to the scenic beauty of the NL. Indeed, given the site's close proximity to existing dwellings, its domestic use would not appear incongruous or out of keeping.

In any event, given the extensive planting on the boundaries of the site, any views of it from public spaces are very limited. I acknowledge that the appellant has already changed the gate at the site entrance, and that this may have involved the removal of a very small section of hedgerow. A small gravel area has also been put in place to allow parking for a vehicle. However, these are very minor changes in the context of the wider surroundings, and again I do not conclude that they result in harm.

Having regard to this recent appeal decision it would be difficult to object to this proposal on matter of principle alone.

Landscape Impact/Character Of The Area

Strategy 46 of the East Devon Local Plan states that development needs 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.

Policy D2 of the East Devon Local Plan states that landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, do not adversely affect the distinctive historic or architectural character of the area, nor the amenity of occupiers of adjoining residential properties.

The applicant seeks consent for the construction of a detached outbuilding which is to be used as a garage / workshop, and for the change of use of an area of land to the East of the host dwelling to a residential use, together with the retention of an existing access via the Northern boundary of the site for which the works have already been carried out. The application has been amended since submission to include replacement planting of the roadside hedgerow along the northern boundary.

The application site comprises an attractive parcel of level land adjacent to Elmside, which is located in the open countryside, outside of any defined built-up area boundary, and within the East Devon National Landscape. It is bound by established trees and hedgerows that reduce visibility into the site from public vantage points, except along the road frontage where a hedgerow has been removed and the new access created. The loss of the hedgerow has opened up views into the site from the road. The site is bounded to the east and west by residential gardens.

The proposed physical changes to the land include the inclusion of new boundary treatments, loss of the roadside hedgerow, the creation of the access and construction of a single storey outbuilding at the back of the site.

While the change of use introduces a domestic element into a parcel of land, the proposal would be read in the context of the existing dwelling and garden at Elmside and the neighbouring residential land to the east. It would 'infill' the land between the two residential plots and as such would not adversely impact on the character of the area provided the roadside hedge is reinstated to reduce views into the site.

The detached outbuilding has been positioned away from the highway and designed sympathetically, using materials that reflect its rural location, and the existing boundary treatments will help assimilate the development into its surroundings.

The existing boundary treatment restricts wider views and the proposed works would not result in significant additional harm to landscape character. The proposal would therefore not introduce significant additional harm to the character of the area subject to reinstatement of the roadside hedgerow which could be controlled by condition.

Heritage

Given the lack of any listed buildings or other designated heritage assets in the immediate vicinity, it is considered that the proposal would not result in any heritage based harm.

Neighbour Amenity

The nearest neighbouring property to the application site is Grange farm, which is a large detached dwelling located to the East of the application site at a sufficient distance to ensure that the proposed change of use and the construction of the detached outbuilding would not give rise to any harmful impacts in terms of overlooking, overbearing, loss of light or noise disturbance.

Given the separation distances and the existing boundary treatment, it is not considered that allowing the proposal would cause unacceptable amenity harm.

Trees/hedges

The proposals originally involved works within close proximity to trees and hedgerows, in particular the siting of the proposed outbuilding and access track to it within a root protection area (RPA). In response to objections raised by the Councils tree officer the outbuilding and track have now been relocated away from the RPA and soakaway moved out of the RPA.

The Local Planning Authorities Tree officer also raised concerns regarding the adequacy of the details submitted in respect of the loss of the historic hedgerow and lack of mitigation proposals, recommending that the application be refused. The application has since been amended to include a new beech and hazel hedgerow along the northern site boundary and wrapping around into the new access.

Subject to the implementation of the replacement hedge it is considered that the proposal would not result in any further arboricultural harm.

Ecology

The application site currently comprises an area of grassed agricultural land adjacent to the existing residential curtilage, with trees and hedgerows on three sides, the northern, roadside hedge having been removed relatively recently.

No ecological survey has been included with this application. The proposed detached outbuilding would be sited on grassland and this particular element would not result in the removal of any established vegetation or encroachment into adjacent hedgerows.

The Council's tree officer and ecologist have raised concerns about the loss of the hedgerow from the northern boundary, the ecologist stating the following:

Following the removal of the Devon hedgebank along the northern boundary, I fully support the concerns raised by the EDDC Tree Officer (dated 12/08/25). Historical Ordnance Survey mapping (1890) confirms this was an established and historic hedgebank, recognised as a Devon Biodiversity Action Plan (DBAP) habitat and listed as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraphs 187(d) and 192(b) of the National Planning Policy Framework (NPPF, 2024) emphasises the importance of conserving and enhancing the natural environment. Given the ecological and historical significance of the hedgebank, its removal represents a clear loss of a priority habitat. In line with the NPPF's requirement for biodiversity net gain, I recommend that the applicant provides a detailed compensation strategy. This should include proposals for habitat restoration or creation and demonstrate how the loss will be offset in a manner that supports ecological connectivity and long-term biodiversity enhancement.

Further to the comments above it is proposed that condition be applied to any permission requiring submission and implementation of the mitigation measures suggested.

Accordingly, subject to the inclusion of an appropriate condition, the proposal is considered to be acceptable in this respect.

Highways/Access

The vehicular access which has been created onto the unclassified lane is considered to be adequate in terms of visibility to serve its proposed use, and the level of traffic associated with the change of use is unlikely to give rise to any significant impacts on highway safety. Sufficient space within the site would be provided for parking and turning to allow vehicles to enter and exit in a forward gear.

While Devon County Councils Highway Authority have not made comments relating to the scheme, given the above, the proposal is considered to be acceptable in highway safety terms and does not result in undue harm to the rural character of the unclassified lane.

The proposal is therefore considered to be compliant with the requirements of the local plan and the national planning policy framework with regard to safe and suitable access.

Loss of Agricultural land

Policy EN13 of the East Devon Local Plan states that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry and that planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:

1. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
2. The benefits of the development justify the loss of high quality agricultural land.

This site is located on Grade 1 agricultural land. In considering the recent, nearby appeal, the inspector considered loss of BMV and commented as follows:

The site is regarded as Grade 1 agricultural land. However, it was apparent from my site visit that it has not been used for this purpose for quite some time, and from the evidence before me, it appears highly unlikely that it would return to agricultural use in the near future, even if this appeal were to fail. Furthermore, the small extent of the site means that it could make no meaningful contribution to food production. I therefore afford this issue little weight.

The circumstances of this site are very similar and as such little weight is given to the loss of BMV.

Planning Balance

In concluding, although the proposal represents a departure from the strict protection of the countryside under Strategy 7 of the East Devon Local Plan, when considered in the context of previous appeal decisions, it is not considered that a refusal could be sustained just on grounds of principle of the development.

Subject to re-instatement of the front boundary hedgerow and on site habitat mitigation, the change of use would not result in significant visual intrusion or harm to the character and appearance of the National Landscape or biodiversity in the longer term. The site, located between two gardens would not adversely impact on the character of the area. Impact on trees is now acceptable and there will be no adverse impact on neighbour amenity.

On balance, the proposal is considered to be acceptable and compliant with the aims of Strategies 46 , 47 and Policies D1, D2 and EN13 of the East Devon Local Plan.

RECOMMENDATION

APPROVE

- 1.) 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.)

- 2.) Prior to the construction of the new driveway, details (and, where so requested, a sample) of the material(s) to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details/sample.

(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.)

- 3) Prior to the commencement of any further development (the access having already been formed) a detailed landscaping scheme shall be submitted to an approved in writing by the local planning authority which shall include a detailed compensation strategy for the loss of priority habitat hedgerow previously located on the site's northern boundary. This should include proposals for habitat restoration or creation and shall demonstrate how the loss of the hedgerow will be offset in a manner that supports ecological connectivity and long-term biodiversity enhancement. The scheme should also identify existing hedgerows and trees to be retained.

The landscaping scheme shall be implemented within the first planting season following the commencement of further development unless an alternative timetable has previously been agreed in writing with the local planning authority.

Any planting found to be dead, dying, severely damaged or diseased, in the opinion of the Council, within ten years of the completion of the development hereby approved or ten years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: In the interest of visual amenity and biodiversity in accordance with Strategy 47 (Nature Conservation & Geology), Strategy 46 Landscape Conservation & Enhancement and AONBs) and Policy D1 (Design & Local Distinctiveness) of the East Devon Local Plan , 2013 to 2031.

- 4) Any development, including the new driveway, within or adjacent to the root protection areas (RPA) of retained trees and hedgerows shall be constructed using a no dig design and methodology.

Prior to commencement of any development within or adjacent the RPA a detailed specification for the no dig construction, together with an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved AMS and TPP.

(Reason - To protect retained trees and hedgerows in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

- 5) The detached double garage/workshop building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Elmside, Newton Poppleford. EX10 0BY

(Reason - In the interests of safeguarding the character and appearance of the area, which forms part of the designated East Devon National Landscape, and the amenities of the occupiers of nearby residential properties in accordance with the requirements of Strategy 7 (Development in the Countryside) and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, enclosure, swimming or other pool shall be constructed or erected with the land hereby approved as additional residential curtilage, without a grant of planning permission.

(Reason - To protect 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.)

- 7) Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 45% for climate change unless details of an alternative means of surface water drainage are submitted to and approved in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall thereafter be retained and maintained for the lifetime of the

development. No soakaway, drain or drainage feature shall be located within root protection area as defined on the approved plans.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) and in the interests of biodiversity in accordance with Strategy 47 of the adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

3

4

PLA-001

PLA-003 Rev B - Amended

NOTE FOR APPLICANT

1.)

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

2.)

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 exemption 2 from the list below is 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.

Ward Member 3 day consultation completed?		N/A
	Service Lead – Planning Development Manager Assistant Development Manager Principal Planning Officer Senior Planning Officer	Chair/Vice-Chair of Development Management Committee
Authorised By:		
Date:		

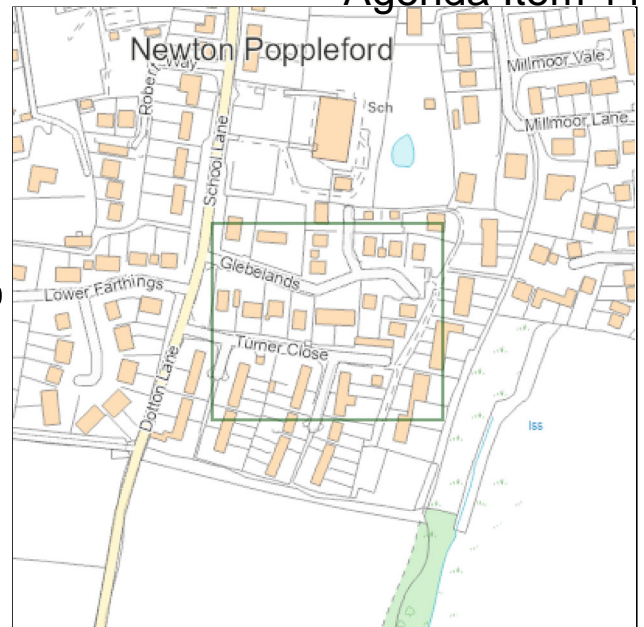
Ward Newton Poppleford And Harpford

Reference 25/1638/FUL

Applicant Beverley Raw

Location 29 Glebelands Newton Poppleford Devon EX10 0HB

Proposal Proposed raised ridge level to create first floor living space, rear dormers and change of external materials. Relocation of front door and porch and construction of raised decking to the rear.



RECOMMENDATION: Approval with conditions



		Committee Date: 18.11.2025
Newton Poppleford & Harpford	25/1638/FUL	Target Date: 30/10/2025
Applicant:	B Raw	
Location:	29 Glebelands Newton Poppleford Devon EX10 0HB	
Proposal:	Proposed raised ridge level to create first floor living space, rear dormers and change of external materials. Relocation of front door and porch and construction of raised decking to the rear.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application has been referred to committee by the Vice Chair further to objections raised by the Ward Member.

The applicant seeks permission to raise the ridge height of the bungalow by 1m to facilitate living accommodation in the roof space. In addition the scheme includes two rear dormers, rooflights in the front roof slope, as well as a raised decking to the rear of the dwelling, and change of external materials.

The Site lies within the Built-up area boundary of Newton Poppleford. The site is also within the East Devon National Landscape.

The Parish Council and Ward Member have objected to the design of the scheme with concerns including impact on the street scene and loss of light to a neighbour. Two third-party objections have also been received.

The dwelling is sited on hillside and as such the bungalows on the street step down from each other. Notwithstanding the increase in height this dwelling will still step down from its neighbour and this impact on the street scene is considered to be acceptable.

A light study assessment has been submitted which demonstrates there will be no material loss of light to neighbours as a result of the development. Concerns regarding potential overlooking can be overcome by conditions.

The application complies with Local Plan including Policy D1 and is recommended for approval.

CONSULTATIONS

Parish Council

Council objects to this application by reason of the following -

Drainage is not defined and of concern ' raised by SSW.

Neighbourhood Plan ' external materials proposed for cladding are not in keeping with either the NP or the neighbouring properties.

Application documents ' inconsistencies ' namely erroneous trees on the plan (implying privacy / light), position via-a-vis 28/30/32 (East / West error), light scan analysis (limited to certain hours and doesn't represent a full analysis of daylight across the year).

Ward Member, Councillor Chris Burhop

On the face of it this application would appear to be relatively straightforward, especially when one reads the architect's accompanying report. However on closer inspection there are a number of problem areas with this application.

My primary concern is the preservation of the Street Scene. Although the architect cites a precedent for major renovation at #26 Glebelands, that property is some 100m + away from this one and is out of sight of the rest of this street scene. The approach road of Glebelands, on which this property sits, consists of a neat row of 8 almost identical bungalows. This application sits right in the middle of this row and the raising of the roof, even by only 1m, would materially alter the street scene of the road. Whilst the architect's report refers to the Vicks rage across the road this is irrelevant as it was the original building on site and Glebelands was built as an estate on the former Vicarage lands.

Glebelands is also on a steep incline, running downhill into the Otter Valley in the National Landscape. The row of bungalows was carefully planned to sit unobtrusively into the hillside. Creating a dormer house out of one of them will look particularly out of place.

The raising of the roof is going to impact the natural light into the north facing kitchen of the neighbouring property, which currently benefits from light from over the roof of the applicant's house through a fully glazed external door.

The materials being proposed include zinc cladding. The made Newton Poppleford Neighbourhood Plan frowns on the use of metals for roofing and cladding as being out of keeping with the village's streetscene.

Whilst I empathise with the stated objective of future proofing the property for the current owner, I would point out that the application seeks to convert a bungalow into a house, and whilst it proposes an internal lift, on the face of it the conversion is making the property less, not more sustainable for less able bodied persons. This is further emphasised by the inclusion of proposed stepped external decking - hardly sustainable to the less able bodied.

For the above reasons I must object to this proposed application.

South West Water

Standing advice plus the following comment:

Having reviewed the applicant's current information as to proposed surface water disposal

for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

PLANNING HISTORY

No Relevant Planning history.

Third Party Comments

Two (2) objections were received from third parties during the notification period. The comments both raised key issues of overlooking, overshadowing, design & materials, impacts upon the street scene, and drainage.

POLICIES

Local Plan 2013-2031

Strategy 6:	Development within Built-Up area boundaries.
Strategy 48:	Landscape Conservation and Enhancement and AONBs
Strategy 48:	Local Distinctiveness in the Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN22:	Surface Run-Off Implications of New Development

Draft Local Plan 2025-2042

Policy DS01:	Design and Local Distinctiveness
Strategic Policy SP05:	Development inside Settlement Boundaries
Strategic Policy OL02:	National Landscapes (Areas of Outstanding Natural Beauty)

Newton Poppleford and Harpford Neighbourhood Plan 2020-2031:

Policy EP1:	Conservation and enhancement of the East Devon AONB and Natural Environment
Policy TD1:	Infill and garden developments and extensions within the Built-up area boundary
Policy HQD1:	Maintain the built character of our parish through High Quality Design.
Policy EP4:	Surface Water Run-off.

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Site Location and Description

The site is located on the southern side of Newton Poppleford. Both the front and rear
25/1638/FUL

boundaries of the property present to a public road, Glebelands to the north and Turner Close to the south. Both roads are accessed via School Road. The property slopes steeply, falling from west to east. The site benefits from a reasonably sized garden and is situated in a row of detached bungalows which vary in design. Due to the topography the dwellings step gently down the hill, although the height variation between them changes according to the topography

The site is within the East Devon National Landscape (formerly AONB).

Proposal

This proposal seeks to raise the ridge level of the dwellinghouse by 1m to create a first floor living space, two rear dormers are proposed and a change of some external materials. It also proposes relocation of the front door and porch and the construction of raised decking to the rear. The attached garage is to be converted to living space. The footprint of the building is not increasing.

The materials proposed including retaining the existing buff brick finish to the exterior walls but adding some timber cladding to the new porch and garage door infill on the front elevation. The dormers are proposed to be clad in bronze/red metal standing seam profile.

The design and access statement explains that the scheme seeks to 'future proof' the dwelling by removing steep steps both inside and outside of the property. Internally wide shallow steps replace steeper steps and an internal lift is to be providing giving access to the new first floor bedroom. Externally a multi-level deck is proposed to improve accessibility around the garden.

The principle of the development

The principle of development in this built up area is supported by local and neighbourhood policies. Specifically, Policy D1 (Design and Local Distinctiveness) and Strategy 6 (Development within Built-Up Area Boundaries) of the Adopted East Devon local plan 2013-2031 and, Policy TD1 (Infill and garden developments and extensions within the Built-up area boundary) of the Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.

The key issues to consider in this application relate to

- Impact on the street scene/character of the area
- Impact on neighbour amenity with regard to overlooking and loss of light

Design and Impact upon Local Character

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, do not adversely affect the distinctive historic or architectural character of the area, nor the amenity of occupiers of adjoining residential properties.

Policy HQD1 of the Neighbourhood Plan states, inter alia, the following;

Developments within Newton Poppleford's Built-up Area Boundary will usually be supported where they have demonstrated that:

- a) they are of high-quality design, in line with the results of the Housing Styles Consultation Survey for house design, and will enhance visual amenity and minimise any adverse impacts on the built environment;
- e) they incorporate a 'sense of place' into the designs /reinforces local distinctiveness by ensuring the proposals have been informed by the character of the area in which they are located. This should include matters such as size, density, scale, street/building line, building height, plot widths, windows and features and boundary treatments. Ridge heights should be in keeping with neighbouring properties;
- k) roofs are pitched and symmetrical unless there is an exceptional reason not to do so;
- p) the development would not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- r) they provide easy access and adaptable living for all members of the community;
- s) they protect the amenity of neighbouring properties;
- v) designs can be easily adapted to accommodate changing lifestyles and technologies;
- w) sustainable measures such as rain water capture and carbon reduction measures (e.g. solar panels or water heating panels) have been incorporated but should be sited discreetly;
- x) materials used would be sympathetic to the localised area;
- y) Modern design will be supported provided the local character is respected or enhanced

The key changes to the visual appearance of the dwelling are the increase in ridge height by 1m, introduction of rear facing dormers clad in bronze/red metal standing seam and the introduction of timber cladding around the new porch and garage door infill.

Concerns have been raised about the changes adversely impacting on the street scene and there is reference to the bungalows being identical. The bungalows are not identical, for example the neighbour to the application site (no 30) is gable fronted whereas the application site has a gabled end hipped roof. Furthermore, while the bungalows do all step down the hillside the extent to which they step down varies according to the topography.

The proposal to raise the roof ridge on the application site will mean the new ridge will still be lower than the higher neighbour at No 30, by approx. 45cm. As such the roof height will remain in keeping with the street scene.

The rear facing dormers will be visible from the road to the rear, Turner Close. The scale and siting of the dormers is acceptable as they remain subservient to the main roof slope. The proposed red/bronze metal standing seam cladding would however appear

incongruous in the street scene and an alternative material, such as hung tiles to match the main roof slope would be more appropriate. This can be controlled via a planning condition.

The timber cladding on the front elevation is limited in its extent, with buff brick remaining the dominant material. There is also white plastic cladding on other properties in the street; natural timber is a more sustainable material. On balance it is considered that the timber cladding would not adversely affect the street scene.

It is considered that the design and appearance of the proposed development is acceptable and accords with development plan policies.

Overshadowing/Loss of light

Concern has been raised by occupiers of No 30 about loss of light, in particular to the window in a side facing kitchen door. No 30 sits to the east of the application site.

The footprint of the building is not changing. The only change that could impact neighbours in terms of loss of light is the 1m increase in height to the roof and addition of dormers, otherwise the roof shape and orientation will remain the same

The application is supported by shadow studies that detail the projected overshadowing for both the Summer and Winter Solstice. The Winter Solstice is generally accepted as a 'worst case' scenario for overshadowing given it has the lowest levels of available daylight. Given the orientation of the dwelling and its neighbours, there would be very minor impacts due to additional shadowing cast upon 30 Glebelands between sunrise at 0815 and noon, and 28 Glebelands between noon and sunset at 1600. The additional shadowing impact is very minor as there already a significant amount of shadowing impacting the northern extents of all properties along this street. It is accepted that shadow modelling cannot provide a 100% accurate reflection of the situation due to certain variables, however the modelling appears accurate enough to show a reasonable demonstration of the overshadowing that it can be relied upon for the purposes of aiding the decision-making process. As such the matter of overshadowing is not considered to be to a degree that the application could be reasonably refused.

It is for these reasons that there is not considered to be any unreasonable adverse impact upon neighbour amenity due to loss of light. It is therefore considered that the proposal aligns with Policy D1 (Design and Local Distinctiveness) of the Local Plan 2013-2031.

Overlooking

There are no side facing windows proposed on the dormers, and no upper-level side windows to the dwelling. The dormers would face towards the southern rear property boundary. This boundary faces a public road and is well vegetated so that views beyond the property are limited. The Agent has provided information that they would agree to installing privacy screening (louvres) along the westernmost portions of glazing for both dormers to minimise the possibility for oblique views across the garden at 30 Glebelands. It is recommended that such screening is secured by a condition to any permission issued. As a result, there is not considered to be an unreasonable impact by means of overlooking. The proposed front rooflights are not considered to cause any overlooking.

With respect to the raised decking area, which would have a maximum height of approx. 55cm from ground level, there is an approx. 1.7m high side boundary fence between the subject site and both the dwelling at 30 Glebelands and 28 Glebelands. Given the slope of the land, the arrangement of buildings, and the extant fencing, there is not considered to be an unreasonable opportunity for overlooking from the subject site to the private amenity area of 30 Glebelands. There would be a separation of approx. 8m from the decking area to the side boundary to 28 Glebelands. The property at 28 Glebelands, due to the natural slope of the land, sits approx. 1.4m below the ground level of subject site. This is a substantial drop and already allows opportunity for some overlooking from other higher situated properties. Having regard to this, there is not considered to be an unreasonable level of additional potential of overlooking to neighbouring properties and the matter of privacy loss is not considered to be to a degree that the application could be reasonably refused.

It is for these reasons that there is not considered to be any unreasonable adverse impact upon neighbour amenity. It is therefore considered that the proposal aligns with Policy D1 (Design and Local Distinctiveness) of the Local Plan 2013-2031 and Policy HQD1 (Maintain the built character of our parish through High Quality Design) of the Neighbourhood Plan 2020-2031.

Drainage

South West Water provided a standard consultation response that any surface water runoff should be dealt with as high up the hierarchy of drainage options as is reasonably practicable. A condition is recommended for any permission issued to ensure that is achieved.

Conclusion

Due to the consideration and balance of material issues outlined above, whilst the objections from the third parties, parish council and ward member are duly acknowledged, the application is considered acceptable and is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Approval subject to the following conditions:

- 1.) 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.)

- 2.) 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).

- 3.) Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan 2013 to 2031)

- 4.) Notwithstanding the details shown on the approved plans, prior to their installation details of all external materials and finishes to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in accordance with the materials approved.

(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.))

- 5.) Prior to the first use of the upper storey, hereby approved, scaled plans and detailed specifications for privacy screening along the western glazing of each dormer shall be provided to the LPA and agreed in writing. Once approved, the privacy screening shall be installed prior to occupation of the first floor accommodation and shall be maintained as such for the life of the development.

(Reason - In the interests of protecting neighbouring property privacy in accordance with Policy D1 of the East Devon Local Plan 2013 to 2031.)

NOTE FOR APPLICANT

Plans relating to this application:

Location Plan, received 05/08/2025.

Proposed Floor Plan, reference: 25078-CCA-XX-00-DR-A-XXXX-01101-PL02, received 26/08/2025.

Proposed Floor Plan, reference: 25078-CCA-XX-01-DR-A-XXXX-01102-PL02, received 26/08/2025.

Proposed Elevation Plan, reference: 25078-CCA-XX-ZZ-DR-A-XXXX-02101-PL02, received 26/08/2025.

Proposed Elevation Plan, reference: 25078-CCA-XX-ZZ-DR-A-XXXX-02102-PL02, received 26/08/2025.

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.

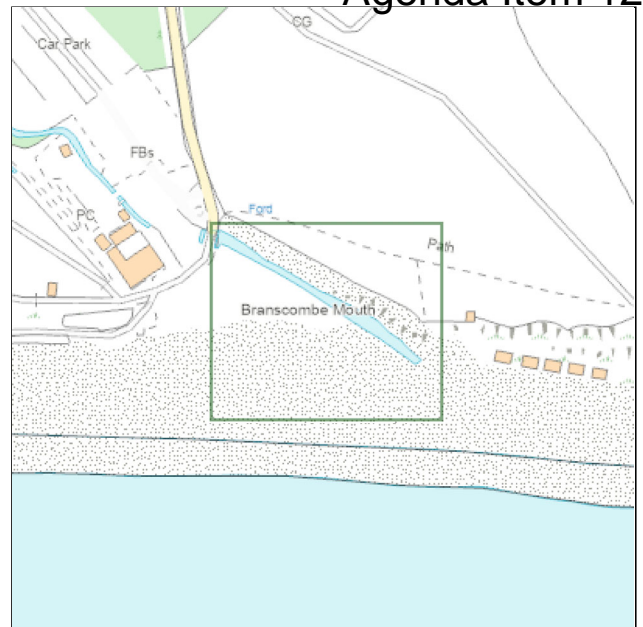
Ward Beer And Branscombe

Reference 25/1034/FUL

Applicant Jurassic Saunas

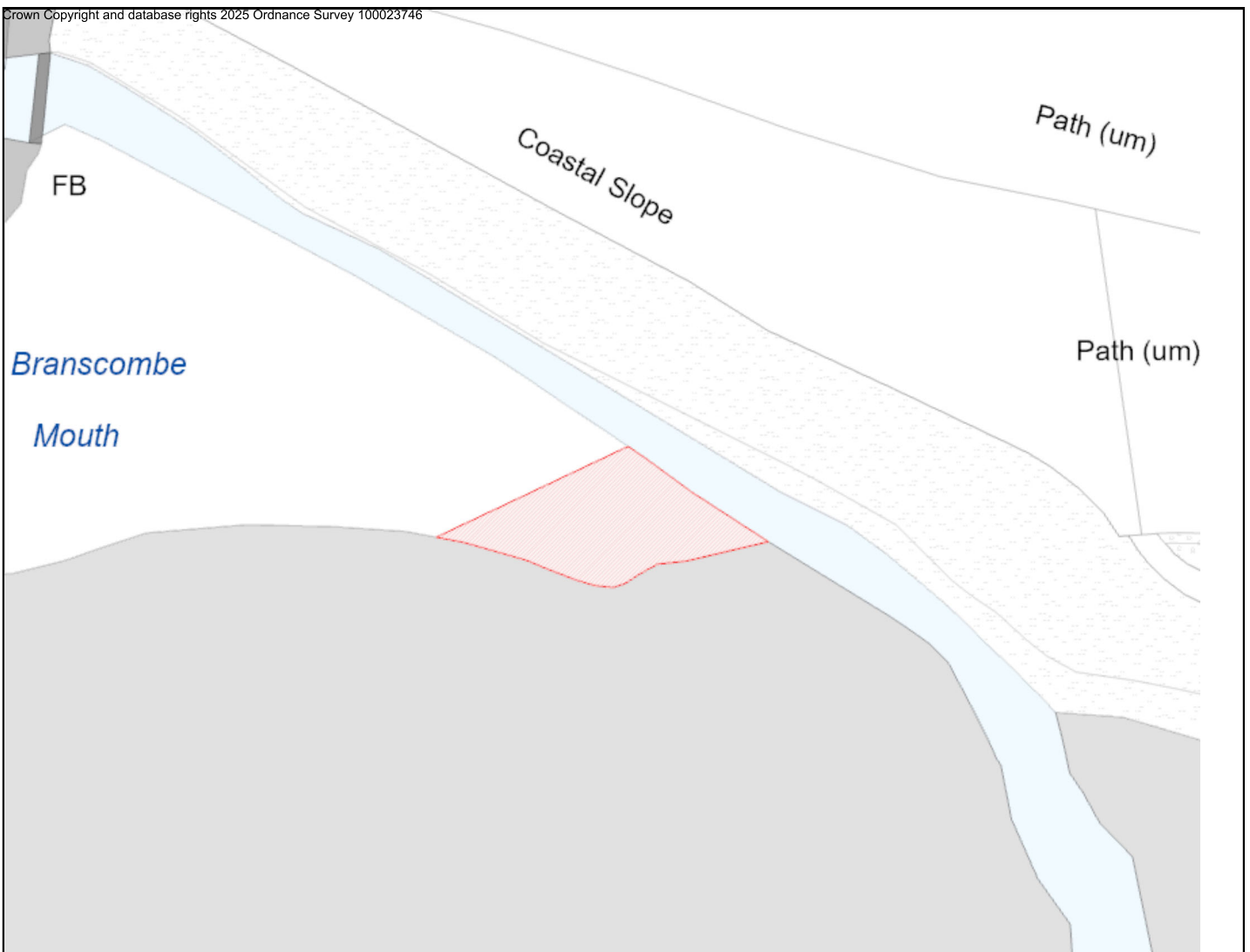
Location The Sea Shanty Branscombe Seaton EX12 3DP

Proposal Change of use of land for the siting of a mobile sauna unit (retrospective)



RECOMMENDATION: Refusal

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		Committee Date: 18.11.2025
Beer And Branscombe (Branscombe)	25/1034/FUL	Target Date: 07.07.2025
Applicant:	Jurassic Saunas	
Location:	The Sea Shanty Branscombe	
Proposal:	Change of use of land for the siting of a mobile sauna unit (retrospective)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application seeks retrospective permission for the siting of a mobile sauna unit at Branscombe Beach. While the proposal has attracted overwhelming public support and is praised for its contribution to wellbeing, tourism, and the local economy, the planning assessment must weigh these benefits against the serious environmental and safety concerns associated with the site.

The sauna is located within a highly sensitive coastal landscape, including the Jurassic Coast World Heritage Site, East Devon National Landscape, and a designated Coastal Preservation Area. It occupies a visually prominent and undeveloped part of the beach, where its presence detracts from the natural beauty and tranquillity of the setting. The design, while modest, introduces commercial activity into an area valued for its open coastal character.

More critically, the site lies within Flood Zone 2, with access routes through Flood Zone 3, and is adjacent to a watercourse known for rapid and unpredictable flooding. The Environment Agency has confirmed that no flood warning service is available for this location, and the submitted flood risk assessment fails to demonstrate that the development can be made safe for its lifetime. No emergency evacuation plan has been provided, and the risks posed by erosion, ground instability, and flash flooding remain unresolved.

Although the ecological impacts have been screened out under the Habitat Regulations Assessment and are considered acceptable, and the sauna's recreational value is widely recognised, the proposal cannot be supported in its current form. The risks to life is significant and cannot be mitigated through conditions or minor design changes.

In conclusion, while the sauna is clearly valued by the community and offers genuine benefits, its siting within a vulnerable and protected coastal environment renders the development unsustainable. The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Beer And Branscombe - Cllr John Heath

I have no objections to the installation of a mobile sauna on Branscombe Beach providing it meets the criteria laid down by EDDC's planning officer and other involved parties. I think it would be beneficial to the tourist industry in Branscombe, provide a unique service, and from my understanding would have minimal environmental impact on the beach or surrounding area. Branscombe parish council is also supportive of the proposal.

Cllr John Heath 3 /11/2025

My response to the executive summary:

This application seeks retrospective permission for the siting of a mobile sauna unit at Branscombe Beach. While the proposal has attracted overwhelming public support and is praised for its contribution to wellbeing, tourism, and the local economy, the planning assessment must weigh these benefits against the serious environmental and safety concerns associated with the site.

The sauna is located within a highly sensitive coastal landscape, including the Jurassic Coast World Heritage Site, East Devon National Landscape, and a designated Coastal Preservation Area. It occupies a visually prominent and undeveloped part of the beach, where its presence detracts from the natural beauty and tranquillity of the setting. The design, while modest, introduces commercial activity into an area valued for its open coastal character.

The sauna will be sited on land adjacent to the sea shanty which is a raised area of green space. Not only is the Sea Shanty a commercial operation being a cafe, but so is the car park, the caravan site located above the beach, many of the beachside chalets on holiday lets, Great Seaside B&B, and the Branscombe Brewery all within 200m of the location. i.e., on land adjacent to the Sea Shanty.

More critically, the site lies within Flood Zone 2, with access routes through Flood Zone 3, and is adjacent to a watercourse known for rapid and unpredictable flooding. The Environment Agency has confirmed that no flood warning service is available for this location, and the submitted flood risk assessment fails to demonstrate that the development can be made safe for its lifetime. No emergency evacuation plan has been provided, and the risks posed by erosion, ground instability, and flash flooding remain unresolved.

The portable sauna is adjacent to the Sea Shanty on land in their ownership and is easily removable to a safer location in the car park (where other, fixed, structures are already located – e.g., payment machines) in the event of forecasted bad weather, taking advantage of much improved forecasting in recent years."

Although the ecological impacts have been screened out under the Habitat Regulations Assessment and are considered acceptable, and the sauna's recreational value is widely recognised, the proposal cannot be supported in its current form. The risks to life is significant and cannot be mitigated through conditions or minor design changes.

No one has ever lost their lives or have been adversely affected by flooding on that part of the beach. You would have to apply the same rationale in respect of flooding as you would the Sea Shanty.

In conclusion, while the sauna is clearly valued by the community and offers genuine benefits, its siting within a vulnerable and protected coastal environment renders the development unsustainable. The application is therefore recommended for refusal.

I would remind planners and the planning committee that this is a portable, easily removable hut where the applicants have stated they will ensure the facility blends in harmoniously with the environment,

There appears to be a considerable dichotomy between the wishes and feelings of the district councillor, the parish council, and many local residents notwithstanding two objections and the designated planning officers. The portable sauna is adjacent to the Sea Shanty and will be on their land and is therefore easily removable in the event of bad weather. The owners have stated as much in their submissions.

This is a mobile sauna facility which has no impact on the ecology of the area and therefore any refusal is an unjustifiable decision in my opinion. I would remind planners and the planning committee that this is a portable, easily removable hut where the applicants have stated they will ensure the facility blends in harmoniously with the environment, it will be no more unsightly than the café or the car park adjacent to the café or some of the holiday chalets being a portable type chalet size in its own right.

And since this is a retrospective application, the quality of the sauna and its minimal visual impact on the environment is already demonstrated.

I note the Parish Council can speak to applications in their parish at the Committee Meeting as of right, and I have been informed they will exercise this right as indeed I will in my role as district councillor. We should be encouraging small businesses that will support and benefit the community and tourism, not seeking to curtail such enterprises

Parish/Town Council

Council felt the mobile sauna was a huge asset to the area and encouraged visitors to Branscombe.

Other Representations

Supportive Comments (96 total)

The vast majority of comments are enthusiastically supportive, with recurring themes:

Wellbeing & Health

- Users describe the sauna as a transformative experience for mental, physical, and emotional wellbeing.
- It provides a peaceful, restorative space that encourages mindfulness and connection to nature.

Community & Social Value

- The sauna is seen as a cherished community asset, fostering social connection and inclusive gatherings.
- Many locals and visitors say it has become a weekly ritual or a reason to visit Branscombe more often.

Design & Environmental Sensitivity

- Described as modest, wooden-clad, and unobtrusive, blending well with the natural landscape.
- No noise pollution, minimal footprint, and eco-conscious ethos praised by many.

Tourism & Economic Impact

- Supports year-round tourism, especially in quieter months.
- Visitors report spending money at local cafés, shops, and other businesses as part of their sauna visits.

Operational Quality

- Run by friendly, professional staff who maintain the area and promote respect for the environment.
- Several comments note the sauna team helps keep the beach clean and tidy.

Objections (2 total)

The objections raise concerns about the visual, environmental, and locational impact of the sauna unit:

Visual Impact:

- The sauna is considered visually intrusive, disrupting the natural beauty of the coastline and introducing an urban or industrial feel to a sensitive landscape.
- Its metallic cladding is seen as out of character with the traditional materials used in nearby buildings.

Siting and Land Use:

- The unit is located forward of existing development, on previously undeveloped land, and partially on beach owned by a conservation body.
- The siting is viewed as inappropriate for a protected coastal area, and there are concerns about the accuracy of the submitted site plan.

Environmental and Amenity Concerns:

- Potential issues include wood smoke emissions, proximity to picnic areas and the South West Coast Path, and the impact on public enjoyment of the beach.
- The objections suggest that the sauna could be relocated to a less sensitive area, closer to existing buildings and infrastructure.

Technical Consultations

EDDC Emergency Planning Officer

Emergency Planning is not a statutory consultee for planning applications, but make comments when requested by the Environment Agency or the EDDC planners.

There is insufficient information in the current flood risk assessment to support this application. The comments and observations relate to safe access for emergency services and safe egress for people/emergency services during design flood events for the lifetime of the proposal and this is not documented.

Having looked at the map supplied in the FRA figure 1 I believe in its current position staff and guests who were attending the sauna could become trapped by either coastal flooding or river flooding or a combination of both as the development is shown in flood zones 3/2 for an unknown period to an unknown level.

Having looked at the wider site even safe relocation of the Sauna to a higher part of the site which sits as an island site of flood zone 1 on the beach area away from the access road. The FRA does not document the aspect of safe access for Emergency services to attend and rescue staff or guests who could be trapped in a design flood event.

A new detailed Flood Risk Assessment (FRA) in support of a Flood Emergency Plan would be needed to show how the owner would consider mitigating these factors for staff, guests and the emergency services.

The owners would need to document in the FEP/FRA how this proposal would have safe access and egress to the site location via the access road, without placing additional burden on the Emergency services, unless they can document triggers that they could act upon so that the sauna and public could be safely removed from danger ahead of a design flood event. This would have to be away from the beach area and outside the island area created by flood zone 3/2.

EDDC Landscape Architect

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

The application site is situated on the beach at Branscombe Mouth, on the bank of a river which flows between it and a low cliff forming a backdrop to the site in views

from the west. The proposed development comprises a small, portable timber structure with sheet metal roof and projecting metal stove pipe.

The site lies within the Jurassic Coast World Heritage Site, the East Devon National Landscape and the Coastal Preservation Area as defined in the East Devon Local Plan and is situated in close proximity to the South West Coast Path, a national long-distance footpath.

Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in Protected Landscapes. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes. The statutory purpose of National Landscapes is the conservation and enhancement of natural beauty.

Branscombe Mouth is a notable tourist honeypot. Although there is significant development in the form of a car park and café/ restaurant nearby, these are set back from the beach. There are also beach huts/ chalets within 90m of the site to both the east and west which are set above the beach and tucked against the cliff edge. Notwithstanding this existing development the beach area and approaches to it from the car park and southwest coast path afford outstanding open views of undeveloped coastal scenery.

Unlike the existing development in the vicinity, the application site forms part of the natural beach area which contributes to the scenic quality of the area. The location is also within a dynamic landscape subject to natural coastal processes which it could impede or be affected by.

The proposal extends commercial activity onto the undeveloped beach area and introduces a structure prominent in near-views from the beach and visible as a skyline feature in near-views from the south. It is also visible in mid-distance views from the southwest coast path to the west. Whilst the timber elements of the structure are arguably in keeping with nearby development, the sheet metal roof and stove pipe are not and add to its conspicuity.

The application provides no measures for conservation or enhancement of natural beauty and gives rise to localised adverse landscape and visual effects. As such it should be considered contrary to NPPF paragraph 182 and Local Plan strategy 7 (Development in the Countryside), strategy 46 (Landscape conservation and enhancement and AONBs), strategy 44 (Undeveloped coast and coastal preservation area) and policy D1 (Design and local distinctiveness).

Environment Agency

05/06/25 - Thank you for consulting us on this application.

Environment Agency position

We object to the proposed development on the grounds that the submitted flood risk assessment (FRA) is inadequate. The reason for this position and advice is provided below.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied unless (or until) a site-specific flood risk assessment demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding now and in the future, in accordance with paragraph 175 of the NPPF Dec 2024. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Reason

The application site is located within Flood Zones 3 and 2 (associated with a watercourse) which Environment Agency maps indicate to have a high and medium risk of flooding respectively. The site is also within an area at risk from coastal flooding and processes. The structure is located immediately adjacent the river channel which we highlight is liable to erosion especially in light of historic diversion from its natural course.

Whilst the applicant has recognised that the structure is located in an area at risk of flooding, we highlight that the flood risk assessment (FRA) does not adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect users and the structure itself,
- consider how people will be kept safe from the identified flood hazards,
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event,
- take the impacts of climate change into account:
 - There is no assessment of the impact of climate change using appropriate climate change allowances, (for which the applicant should use: ['Flood risk assessments: climate change allowances'](#)).

Way forward

Following the application of the sequential test, if it is found that there are no other sites reasonably available at a lower risk of flooding, then a sequential approach should be taken to the siting of the structure, given its proximity directly next to a watercourse which is at risk of flash flooding.

We would not agree with the suggested classification of the proposal being 'Water compatible' and your authority should take this into account in your decision making.

Consideration should also be given to how realistic it would be to move the structure ahead of flooding, especially in light of the very flashy nature of the watercourse in question. In light of this, we recommend you consult with your authority's emergency planner's as well.

20/06/25 - Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of your email of 10 June 2025 and the additional information provided by the applicant, we can withdraw our objection to this planning application. However, there are emergency planning related considerations that still need to be taken account of in your decision-making and a flood emergency management plan should be agreed with your Emergency Planners. We therefore advise you not to determine the application until you have consulted your Emergency Planners and they are satisfied that users of the development would be safe over its lifetime.

The reasons for this position are set out below.

Reasons – Flood Risk

We acknowledge that your Authority has received additional information (including an email from the applicant's Agent dated 06/06/2025), and that your Authority are, perhaps, minded to grant planning permission on the basis that you:

- Deem the proposal to be a change of use of land and, if so, then the Sequential Test is not relevant.
- Deem 'the mobile sauna does not necessarily (need to be sited adjacent to a water body in order to operate...' and are mindful to classify the proposal as 'Water compatible' recreation rather than 'less vulnerable'.

Whilst it is not our role to formally challenge the local planning authority's stance on the vulnerability classification of proposals, we feel we have a role to provide commentary on this where appropriate. We understand, having provided input into the production of the original planning practice guidance, that the inclusion of 'changing rooms' within the 'water compatible' vulnerability category was based upon recognition that users of established sports pitches on areas of land on floodplain (including functional floodplain) would reasonably require changing room facilities. The definition, however, did not expand on 'changing room'.

Regardless of the above, the NPPF (paragraph 181 and footnote 63) is explicit that all development, irrespective of the vulnerability classification, should be made safe from flooding for their lifetime without increasing flood risk elsewhere.

We highlight that your Authority's decision would be based upon:

- the submissions to date, including our formal response dated 5 June 2025.
- the understanding that the decision would be made in the absence of a detailed FRA.
- the knowledge that the site could be at risk from both tidal and fluvial flood risk.
- the knowledge that the structure sits in an area at risk of flooding from a very flashy watercourse and where there is the real potential for little or no warning of flooding and/or associated potential for bank collapse given the circumstance present in this particular instance.

We advise that we are currently unable to provide a Flood Warning for the site in question. We can, however, provide Flood Alerts which give an alert of possible flooding, but which are based upon forecast rainfall amounts that may or may not arise, because the site sits within the River Axe, Coly, Yarty, Umbourne Brook and coastal streams from Branscombe to Axmouth Flood Alert Area. We strongly advise

the applicant, if they have to date not already having done so, sign up with the EA to receive such via Home page - Sign up for flood warnings - GOV.UK

We recommend that you make your Emergency Planner aware of the above points so they can advise you on the emergency planning implications of this proposal. Essentially, the site will need a flood emergency management plan that your Emergency Planners consider to be appropriate for this type of development.

Advice to LPA – Emergency Planning

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Further guidance has been produced by us and ADEPT to support local authority planners in understanding what information they need to ask applicants to provide with their planning applications. This can be viewed at:
<https://www.adeptnet.org.uk/floodriskemergencyplan>

Environmental Health

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

Natural England

04/06/25 - As submitted, the application could have potential significant effects on Sidmouth to West Bay Special Area of Conservation (SAC) and Sidmouth to Beer Coast Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitat Regulations Assessment

Without this information, Natural England may need to object to the proposal.

World Heritage Site/Jurassic Coast

Thank you for the invitation to comment on the above application. Having reviewed the documentation supplied I would like to make the following comments regarding impacts arising to the Jurassic Coast World Heritage Site.

The position of the mobile sauna unit is noted as being vulnerable to storms and flooding, and whilst this is mitigated by the fact that the unit can be moved to safer areas at times of high risk, I recommend that the applicant supply a recovery plan should the worst happened, and the unit be destroyed during a flood or storm event. In such circumstances, debris from the unit could be swept onto and spread along the beach, creating an unsightly and potentially dangerous hazard, which I presume both the sauna operator and landowner would wish to avoid. I recommend that the planning consent, if granted, make clear who would be responsible for the cost of clearing the beach of any debris created by the sauna should it be lost to flood or storm.

The position and nature of the sauna creates no other actual or potential threat to the geological heritage features of the World Heritage Site and is in keeping with its setting.

Several locations along the Jurassic Coast now host similar facilities, each proving to be a popular addition to public use of the seafront. These operate in line with management policy for the World Heritage Site, specifically;

"W1 Initiatives to promote the Jurassic Coast as an area supportive to well being and / or health are strongly encouraged, as long as they are within agreed environmental tolerances"

However, most other mobile saunas along the coast present much more clearly as moveable units, where the wheels of the trailer etc remain visible. The current design of the sauna at Branscombe makes the unit appear semi-permanent, which is less in keeping with its functionality, temporary nature and vulnerable location. Overall, this gives the structure a less sympathetic look within its environment. We recommend that adjustments are made to the overall look of the sauna, in particular the cladding of the base trailer, so that its characteristics as a movable and temporary unit are much more obvious and clearer at a glance.

PLANNING HISTORY

None relevant.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN14 (Control of Pollution) Adopted

EN21 (River and Coastal Flooding) Adopted

RC4 (Recreation Facilities in the Countryside and on the Coast) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy AR01 (Flooding) Draft

Policy AR03 (Coastal Change Management Areas (CCMAs)) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

Policy OL09 (Control of pollution) Draft

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

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

Policy PB10 (Protection and enhancement of the Jurassic Coast World Heritage Site) Draft

Policy OS05 (Leisure and recreation developments in the countryside) Draft

Strategic Policy OL03 (Coastal Preservation Areas) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Site Location and Description

The application site is located at Branscombe Mouth, a coastal area within the historic village of Branscombe. The site lies within the Jurassic Coast World Heritage Site, the East Devon National Landscape (formerly AONB), and the Coastal Preservation Area as designated in the East Devon Local Plan. It is also within the Sidmouth to West Bay Special Area of Conservation, the Sidmouth to Beer Coast Site of Special Scientific Interest, and adjacent to the South West Coast Path, a nationally recognised long-distance footpath.

The site comprises a small, level triangle of land formed by a grass lawn, a stream (Old Mill Stream), and the pebble beach. It is situated to the south-east of The Sea Shanty café and adjacent to the public beach. While the site is above the mean high water line, it lies within Flood Zone 2, with surrounding land designated as Flood Zone 3, indicating a higher risk of flooding from both fluvial and coastal sources. The site is also located within a Coastal Change Management Area, reflecting its vulnerability to long-term coastal erosion and change.

The surrounding area includes a mix of beach-related development such as car parking, café facilities, and beach huts, although these are generally set back from the beach or tucked against the cliff edge. In contrast, the application site forms part of the natural beach area and contributes to the open, undeveloped coastal character of Branscombe Mouth.

ANALYSIS

This report considers an application for the retrospective change of use of land for the siting of a mobile sauna unit at Branscombe Mouth.

The sauna is a custom-built, timber-clad mobile unit (approx. 7m x 2.1m x 2.8m high, 4.4m to chimney), placed on a trailer. The sauna is used by up to eight people at a time and is operated as a commercial venture, with associated use of the Sea Shanty's car park and facilities.

Analysis

Principle of Development

The application site lies outside any built-up area boundary and is therefore classified as countryside under the East Devon Local Plan. Policy RC4 (Recreation Facilities in the Countryside and on the Coast) supports outdoor recreation proposals in such locations where the nature of the activity or its space requirements justify a countryside or coastal setting.

While a sauna does not strictly require a coastal location, the proposal is functionally linked to sea swimming and cold-water immersion, which are increasingly recognised for their health and wellbeing benefits. This connection provides a reasonable justification for a coastal location in principle.

However, Policy RC4 also requires that proposals:

- Be in scale with the character and environmental setting of the area;
- Not conflict with countryside, nature or landscape policies;
- Provide safe access and discreet parking, particularly in sensitive areas;
- Avoid disruption to public rights of way;
- Ensure any built structures are limited in scale and located near existing buildings or settlements.

In this case, the proposed structure is located on an undeveloped section of beach within a highly sensitive landscape setting, including the Jurassic Coast World Heritage Site, East Devon National Landscape, and Coastal Preservation Area. The site is also within Flood Zone 2, surrounded by Flood Zone 3, and designated as a Coastal Change Management Area, indicating vulnerability to flooding and long-term coastal erosion.

While the recreational intent may align with the broad aims of RC4, the environmental constraints and visual impact of the proposal raise concerns about compliance with the policy's criteria, particularly in relation to scale, landscape character, and siting.

Landscape and Visual Impact

The application site lies within a nationally and internationally designated landscape, including the Jurassic Coast World Heritage Site, the East Devon National Landscape (formerly AONB), and the Coastal Preservation Area. It also falls within Landscape Character Type (LCT) 4D: Coastal Slopes and Combes, as defined in the *East Devon and Blackdown Hills Landscape Character Assessment 2019*. This

landscape is valued for its dramatic coastal scenery, sparse settlement pattern, and strong sense of tranquillity and natural beauty, all of which are highly sensitive to change.

The proposed sauna introduces a new structure into a visually prominent part of the beach. The EDDC Landscape Architect has advised that the unit is conspicuous in near views from the beach, appears as a skyline feature from the south, and is visible in mid-distance views from the South West Coast Path. While the timber cladding is sympathetic, the sheet metal roof and stove pipe increase its visual impact and detract from the undeveloped character of the beach.

The agent has disputed this assessment, stating that the sauna is located on a grassed area of private land adjacent to commercial picnic benches associated with the Sea Shanty café, and that the wider area includes beach huts and other built form. Drone footage and photographs have been submitted to illustrate the sauna's proximity to existing development. It is accepted that the site is not entirely isolated and that there is a degree of commercial activity in the vicinity. However, the sauna occupies a more exposed and open part of the beach, distinct from the more contained and elevated locations of surrounding development. Its siting and design result in a more prominent visual presence within the landscape.

The Jurassic Coast World Heritage Site Team has confirmed that the sauna does not pose a threat to geological heritage features and is broadly in keeping with the setting. However, they have recommended that the unit's temporary and mobile nature be made more visually apparent, noting that its current design gives a semi-permanent appearance. The applicant has responded with photographs showing how the base skirting can be removed and the trailer components disassembled quickly, which may help to reduce visual impact if secured by condition.

Under Section 245 of the Levelling-up and Regeneration Act 2023, the Council has a statutory duty to *seek to further* the purpose of Protected Landscapes, which is the conservation and enhancement of natural beauty. This duty requires active support for landscape protection and enhancement in all decisions affecting designated areas. The government's guidance makes clear that relevant authorities must give significant weight to this purpose and demonstrate how their decisions contribute positively to it.

In this case, the proposal does not conserve or enhance the natural beauty of the area and introduces commercial activity into a sensitive and visually open part of the beach. It conflicts with the aims and guidelines set out in the Landscape Character Assessment, which emphasise that tourism development should be of appropriate scale and character and should not negatively impact views or tranquillity.

While the proposal is modest in scale and located near existing visitor infrastructure, the harm identified is considered to outweigh the limited benefits of the proposal in this location. It is acknowledged that a similar facility may be acceptable in a less exposed or more integrated location nearby. However, in its current form and siting, the proposal is considered harmful to the landscape and contrary to the statutory duty and Strategies 7, 44 and 46 and Policies D1 and RC4 of the Local Plan.

Flood Risk and Emergency Planning

The proposed sauna is located within Flood Zone 2, with access routes and surrounding land falling within Flood Zone 3. The site is exposed to flood risk from the sea and from the Branscome Stream, which is adjacent to the site. The adjacent stream poses a particularly acute hazard due to its very flashy nature, capable of rising rapidly and unpredictably. The Environment Agency has confirmed that no formal flood warning service¹ is available for this location owing to the flashy nature of the stream. Only general flood alerts² are issued, based on forecast rainfall, which may not materialise.

Figure 1 shows Flood Zones 2 and 3 for all sources of flood risk. The site is outlined in red and all the land within the blue outline is at risk of flooding from the stream and the sea. Other land shaded in blue is either at risk of flooding from the sea or from the stream.

The applicant has argued that the sauna should be classified as water-compatible development, but this is not supported by the Environment Agency. While they acknowledged that the final judgment rests with the local planning authority, they did not agree with the classification and offered guidance that changing rooms are included in the water-compatible category because they support the use of sports pitches. A sauna, by contrast, is a non-essential, luxury amenity and is more appropriately classified as 'less vulnerable'. This classification, like 'water compatible' development, is acceptable in Flood Zones 2 and 3a only if the development meets all criteria in paragraph 181, which are addressed below.

¹ According to [Flood alerts and warnings: what they are and what to do - GOV.UK](#), "A flood warning means that flooding is expected so you should act now"

² "A flood alert means that flooding is possible so you should prepare now"

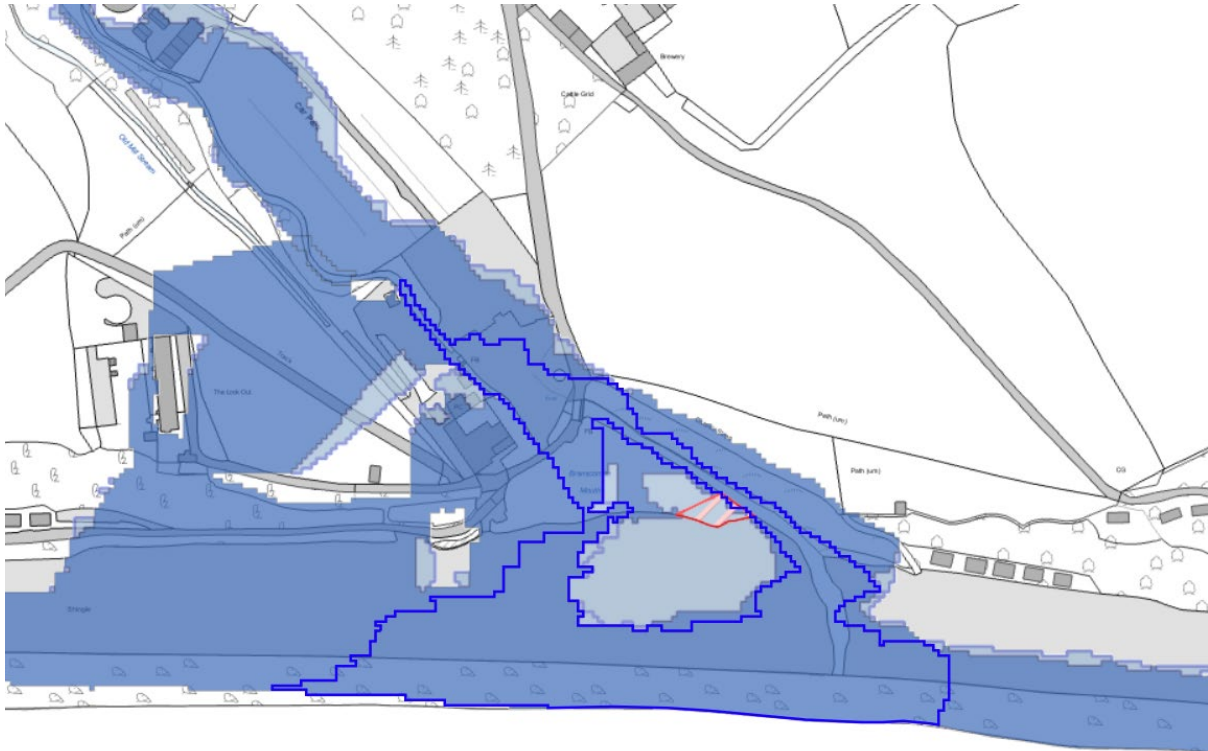


Figure 1 © Crown Copyright and database rights 2025 Ordnance Survey AC0000809498

Although the proposal does not involve residential accommodation and is therefore exempt from the sequential and exception tests under paragraph 176 of the NPPF, it must still satisfy the requirements of paragraph 181, which requires that development in flood-prone areas be made safe for its lifetime without increasing flood risk elsewhere.

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

The sauna is sited on the lowest-risk part of the site outlined in red, but this does not make it acceptable. The surrounding area, including access routes, remains highly vulnerable to flooding, and the proposal must also satisfy the remaining criteria of paragraph 181.

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

The sauna's raised design may offer limited protection against shallow flooding. However, deeper flooding, whether from the stream or wave action, could cause the structure to become mobile, break apart, or be swept away. The Environment Agency has warned of bank collapse, and the site lies within a Coastal Change Management Area and a zone of potential ground instability, where the Shoreline

Management Plan³ promotes a non-intervention approach. These risks have not been addressed in the flood risk assessment.

Nearby cabins and beach huts are generally located on higher ground or behind rock defences, offering greater protection. In contrast, the sauna is positioned on lower, more exposed ground. During Storm Ciaran in November 2023, several cabins behind rock defences suffered significant damage. It is reasonable to conclude that the sauna, had it been present, could have been similarly affected. Realistically, the sauna cannot be made more resilient without fundamentally changing its design and fixing it to the ground.

The applicant suggests the sauna could be towed to safety, but this is not a reliable strategy. Potential refuge areas lie at least 140 metres away and may require towing the sauna through a ford which may become impassable in storm conditions due to fast-flowing or deep water. The practicalities of accessing a suitable refuge location have not been explored, and it is entirely possible that any area could be inaccessible during poor weather or flooding. In such conditions, towing the sauna to safety may not be feasible.

In conclusion, the proposal does not satisfy this criterion. The sauna's exposed location and design make it vulnerable to flooding and the development cannot be considered appropriately flood resistant or resilient.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

Given the coastal location and mobile nature of the structure, drainage impacts are minimal and not a determining factor.

d) any residual risk can be safely managed; and

The proposal fails to demonstrate that residual risks, including flooding, erosion, and ground instability, can be safely managed. The absence of a robust flood risk assessment and practical mitigation measures leaves these risks unaddressed.

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

No emergency plan has been submitted. This is a critical omission, given the nature of the proposed use and the level of flood risk. The Environment Agency has made clear that emergency planning is fundamental to the acceptability of development in flood-prone areas. The NPPF, paragraph 170, requires that development in areas at risk of flooding must be safe for its lifetime, including through the provision of safe access and escape routes and robust emergency planning. Without a credible and detailed evacuation strategy, the proposal cannot be considered safe.

In addition to the concerns raised by the Environment Agency, the EDDC Emergency Planning Officer has reviewed the proposal and confirmed that the

³ [Beer Head to Salcombe Hill 6A34 | Shoreline Management Plans](#)

submitted Flood Risk Assessment (FRA) is insufficient to support the application. Specifically, the FRA fails to address safe access and egress for users and emergency services during design flood events over the lifetime of the development. The Emergency Planning Officer notes that the sauna's current location within Flood Zones 2 and 3 could result in staff and guests, who may be undressed and in a relaxed state, becoming trapped by fluvial or coastal flooding, with no documented strategy for evacuation or rescue.

The absence of a Flood Emergency Plan (FEP) means there is no evidence of how the operator would mitigate these risks or avoid placing additional burden on emergency services. Without clearly defined triggers and procedures for early removal of the sauna and evacuation of users, the proposal cannot be considered safe. These concerns reinforce the conclusion that the development fails to comply with paragraph 181 of the NPPF and relevant local policies, and that the risks to life remain unacceptable and unmitigated.

The agent has cited a precedent, a sauna approved on Weymouth beach, located in Flood Zone 3⁴, as justification for accepting the hazards associated with this site. However, the comparison is flawed. The Weymouth site is:

- Directly accessed from the safety of The Esplanade;
- Within 3 metres of Flood Zone 1, according to the latest data⁵;
- Covered by an active Flood Warning Service;
- Not at risk of unpredictable flash flooding from a river.

In contrast, the site at Branscombe Mouth is remote, lacks direct access to higher ground, and is exposed to unpredictable fluvial flooding. The risks associated with the Weymouth site are therefore not comparable and do not justify placing lives at risk in a more hazardous location.

The risks posed by the Branscombe site are real, immediate, and potentially life-threatening. The proposal places users in harm's way, in a location where flooding may occur without warning and safe evacuation cannot be guaranteed. The absence of a flood warning service, the lack of a viable emergency plan, and the unaddressed risks of erosion and ground instability mean the development fails to meet national policy requirements for safety in flood-prone areas.

Given the combination of hazards - including unpredictable flood risk from the stream, coastal change, and ground instability - it is considered that the site is fundamentally unsuitable for this type of development. These concerns are not minor or easily mitigated, and it is unlikely that a revised flood risk assessment or emergency plan could overcome them. This constitutes a significant and overriding objection to the proposal and conflicts with Policy EN21 of the Local Plan.

Ecology

⁴ Dorset Council planning application P/FUL/2024/06068, approved on 13 December 2024.

⁵ [Get flood risk information for planning in England - Flood map for planning - GOV.UK](#)

The site lies within the Sidmouth to West Bay Special Area of Conservation (SAC) and the Sidmouth to Beer Coast Site of Special Scientific Interest (SSSI). In accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), a Habitat Regulations Assessment (HRA) screening has been undertaken by the applicant. This screening concludes that the proposal is not directly connected with or necessary for the management of the European site, and that likely significant effects can be ruled out.

The continued use of the mobile sauna does not introduce new recreational pressures beyond those already present in this heavily visited coastal area. Emissions from the wood-fired sauna are minimal and fall well below thresholds that could affect sensitive habitats, and there is no evidence of adverse impacts from water discharge. As such, the proposal does not trigger the need for an Appropriate Assessment.

On the basis of the screening, the development is considered acceptable in ecological terms and compliant with the relevant conservation regulations.

Economic and Tourism Benefits

The proposal has strong support from the Parish Council, Ward Member, and the public (96 letters of support, 2 objections). It offers economic and tourism benefits, supporting local businesses and diversifying the visitor offer. The sauna provides a recreational facility that complements the existing tourism economy and encourages year-round use of the beach. These benefits are material and significant in a rural coastal setting, where opportunities for economic diversification are limited.

Paragraph 88 of the NPPF (2024) encourages planning decisions that support a prosperous rural economy and promote sustainable tourism and leisure developments that benefit rural businesses, communities, and visitors, and respect the character of the countryside.

Other Matters

Smoke Emissions - The sauna uses a clean-burn wood stove, which produces a brief period of smoke (5–10 minutes) during initial ignition in the early morning. Once operational, the stove emits no visible smoke. Kiln-dried logs sourced from a DEFRA-certified supplier are used, supporting compliance with clean air standards.

Public Enjoyment of the Area - Concerns have been raised regarding the sauna's proximity to picnic areas and the South West Coast Path, and its potential impact on the public's enjoyment of Branscombe Beach. While these are valid considerations, it is noted that the sauna is a modest structure with limited operational hours and minimal environmental impact. The majority of public representations describe the sauna as enhancing the visitor experience, contributing positively to wellbeing and appreciation of the natural setting. Furthermore, the structure is reversible, and its presence does not preclude public access to the beach or coastal path.

PLANNING BALANCE AND CONCLUSION

The proposal for the retrospective siting of a mobile sauna unit at Branscombe Beach has attracted considerable public support and is recognised for its contribution to local wellbeing, tourism, and economic activity. Many representations describe the sauna as a valued community asset that enhances the visitor experience and supports local businesses. These benefits are acknowledged and carry weight in the planning balance.

However, the site's location within a flood-prone area presents serious and unresolved risks that cannot be overlooked. The sauna is positioned within Flood Zone 2, with access routes falling within Flood Zone 3, and lies adjacent to a watercourse known for rapid and unpredictable flooding. The Environment Agency has confirmed that no flood warning service is available for this location, and the submitted flood risk assessment fails to demonstrate that the development can be made safe for its lifetime. The absence of a credible emergency evacuation plan is a critical omission, particularly given the nature of the use and the vulnerability of users who may be physically exposed and unable to respond quickly in the event of a flood.

The risks associated with this site are not hypothetical. They are immediate, tangible, and potentially life-threatening. The proposal places users in harm's way in a location where flooding may occur without warning and where safe evacuation cannot be guaranteed. The suggestion that the sauna could be towed to safety is not supported by evidence and does not constitute a reliable or practicable mitigation strategy. The surrounding terrain, including a ford that may become impassable during storm conditions, further undermines the feasibility of emergency relocation.

National planning policy is clear that development in areas at risk of flooding must be made safe for its lifetime without increasing risk elsewhere. In this case, the proposal fails to meet that requirement. The risks to life are unacceptable and cannot be mitigated through conditions or minor design changes. While the landscape and ecological impacts are less severe and potentially reversible, the failure to address the fundamental issue of safety renders the proposal unsustainable.

While the proposal cannot be supported in its current location due to unresolved flood risk and safety concerns, the Council has sought to work proactively with the applicant to identify a safer and more appropriate site. Officers have confirmed that the principle of a mobile sauna is acceptable and have suggested an alternative location nearby that may offer reduced flood risk and improved access to a refuge. The Environment Agency has provisionally supported this alternative, subject to further assessment. This option was shared with the applicant, but no formal engagement or revised proposals have been received. As such, the Council has exhausted reasonable opportunities to negotiate a safer solution and must determine the application on the basis of the submitted scheme.

In conclusion, the economic and social benefits of the sauna do not outweigh the serious and unresolved risks posed by its location. The development cannot be made safe and does not comply with national or local planning policies designed to protect life and manage development in vulnerable coastal areas. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development is located within Flood Zone 2, with access through Flood Zone 3, and is at risk from both fluvial and coastal flooding, rapid river level changes, and erosion. The submitted Flood Risk Assessment fails to adequately assess these risks or demonstrate that the development can be made safe for its lifetime. No emergency evacuation plan has been provided, and the risks associated with ground instability and bank erosion have not been addressed. As such, the proposal fails to comply with paragraph 181 of the National Planning Policy Framework (2024), which requires that development in areas at risk of flooding should be safe, resilient, and not increase flood risk elsewhere. The proposal is also contrary to Policy EN21 - River and Coastal Flooding of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy AR01 - Flooding and Policy AR03: Coastal Change Management Areas (CCMAs) of the Draft East Devon Local Plan 2020-2042.
2. The proposed development, by introducing a visually intrusive structure onto an undeveloped section of Branscombe beach within the Jurassic Coast World Heritage Site, East Devon National Landscape, and Coastal Preservation Area, would harm the area's natural beauty and scenic character. It fails to conserve or enhance the landscape and introduces commercial activity into a sensitive coastal setting, contrary to Strategies 7 - Development in the Countryside, 44 - Undeveloped Coast and Coastal Preservation Area and 46 - Landscape Conservation and Enhancement and AONBs and Policies D1 - Design and Local Distinctiveness and RC4 - Recreation Facilities in the Countryside and on the Coast of the Adopted East Devon Local Plan 2013-2031, Strategic Policies SP06 - Development Beyond Settlement Boundaries, DS01 - Design and Local Distinctiveness, OL02 - National Landscapes (Areas of Outstanding Natural Beauty) and OL03 - Coastal Preservation Areas and Policy OS05 - Leisure and recreation developments in the countryside of the Draft East Devon Local Plan 2020-2042, Paragraph 189 of the National Planning Policy Framework (2024) and Section 245 of the Levelling-up and Regeneration Act 2023.

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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

Flood Risk Assessment 12.05.25

	Location Plan	12.05.25
	Block Plan	12.05.25
Photos 1-3	Photos	24.07.25

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.

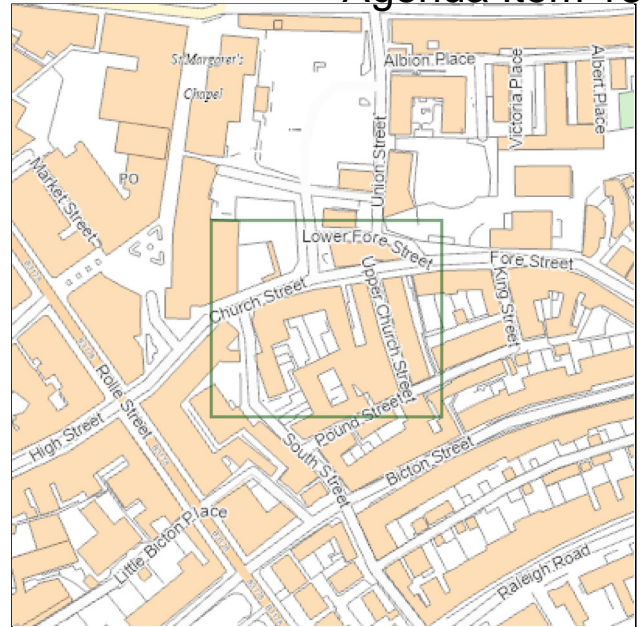
Ward Exmouth Town

Reference 25/1409/FUL

Applicant Mr Mark Williams

Location Flat 1 8 Church Street Exmouth Devon EX8 1PE

Proposal Proposed change of use from a residential garden to a Beer Garden for the adjoining Public House including new boundary fences and existing boundary wall increased in height



RECOMMENDATION: Approval with conditions

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		Committee Date: 18.11.2025
Exmouth Town (Exmouth)	25/1409/FUL	Target Date: 15.09.2025
Applicant:	Mr Mark Williams	
Location:	Flat 1 8 Church Street	
Proposal:	Proposed change of use from a residential garden to a Beer Garden for the adjoining Public House including new boundary fences and existing boundary wall increased in height	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Town Council, and following the scheme being referred to the Planning Committee by the Committee Chair.

The application relates to a site immediately to the south west of the First and Last Inn public house, in the centre of Exmouth. Approval is sought for the change of use of the central portion of the existing residential rear garden of No. 8 Church Street to form an enlarged beer garden to serve the public house. The proposed beer garden would occupy the central 47 square metres of the existing residential garden, leaving sufficient residential amenity area for the two apartments at No. 8 Church Street. The proposal would give rise to economic benefits through an increased trading area for the public house and through the addition of one full time employment position.

The proposal seeks to overcome the previous reason for refusal for a similar application for an extension to the beer garden, application 25/0715/COU refers. Neither the Parish Council nor Environmental Health made any objection to that application, but the application was refused on the grounds of inadequate separation between private residential areas and the proposed beer garden. These concerns have been overcome in this application.

Concerns have now been raised by Environmental Health in respect of noise in relation to this application following a couple of noise complaints received since the previous application was refused. A Noise Management Plan has been submitted in support of the application to limit the impacts to nearby residents, and the applicant has been actively working with Environmental Health to

address the noise issues.

Environmental Health have requested that a Noise Impact Assessment be undertaken to determine whether the proposed development is likely to adversely affect nearby residents. No such assessment has been provided, and as such Environmental Health have carried out their own desk top study which does raise concerns relating to potential adverse noise impact during peak time usage. The proposed beer garden would be likely to lead to noise being heard by nearby noise sensitive receptors and there would be the potential for sleep disturbance.

Conditions have therefore been proposed by Environmental Health to limit the opening hours of the beer garden, to prevent music or other amplified noise and to control external lighting in order to protect the amenity of local residents from noise and light pollution. With the appropriate conditions in place, it is considered the amenity of occupiers of adjoining residential properties would not be adversely affected.

Given the above, the application complies with policies contained with the Local Plan the Exmouth Neighbourhood Plan and the NPPF and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 04.08.25

Objection, this revised application so did not mitigate the reasons for the previous application to be refused. The proposal would have an unacceptable impact on the residential amenity of the existing residents in respect of noise, fumes and privacy.

Technical Consultations

Environmental Health - 20.08.2025

The application has been reviewed and due to ongoing noise complaints, Environmental Health have concerns regarding potential noise issues. The proposed expansion of the premises beer garden brings it closer to existing noise sensitive dwellings and their associated amenity spaces. I am concerned that the potential noise impact of the development has not been adequately assessed.

Environmental Health recommends that the applicant carries out a Noise Impact Assessment. This assessment should determine whether the proposed development is likely to adversely affect nearby residents and evaluate whether appropriate noise mitigation measures are being proposed.

Environmental Health - 24.10.2025

Noise associated with people noise such as talking, shouting, laughing and other general social activities in your proposed development (beer garden in a densely populated town centre surrounded by noise-sensitive receptors), is difficult to measure and predict.

However, a noise impact assessment using the IEMA Guidelines for Environmental Noise Impact Assessment (2014) assessing the existing baseline noise environment, predicting the future noise levels and evaluating the potential impact on nearby sensitive receptors (NSRs) can be undertaken.

In the absence of any noise impact assessment, I have carried out a desktop study reviewing published information to establish speech levels. I have taken two speech levels (measured 1 metre from the person speaking) as being representative for people noise in the beer garden:

1. Female speech: 55 dB(A) (normal) and 63 dB(A) (raised)
2. Male speech: 58 dB(A) (normal) and 65 dB(A) (raised)

Normal trading conditions has been defined as periods when approximately half of the beer garden is occupied and people are generally conversing in normal, relaxed voices. This situation is considered typical during daytime hours.

Raised speech conditions are more representative of peak trading times when the beer garden is fully occupied. During these peak times, most patrons are speaking in louder, raised voices. This is regarded as more of a worst-case scenario likely to occur during evenings, weekends and holiday periods. Raised speech does not include shouting or singing, as these elements are too difficult to reliably quantify or predict.

The estimated noise levels from the beer garden have been assessed as follows:

Normal trading times:

8 males resulting in 67 dB(A) and 2 females resulting in 58 dB(A), giving a combined level of approximately 68 dB(A).

At a distance of 11 metres from the centre of the beer garden to the façade of a habitable room, this equates to 47 dB(A). Allowing for a 15 dB reduction through an open window (open to provide ventilation), the internal noise level is estimated at 32 dB(A).

Peak times:

16 males resulting in 77 dB(A) and 4 females resulting 69 dB(A), giving a combined level of approximately 78 dB(A).

At a distance of 11 metres from the centre of the beer garden to the façade of a habitable room, this equates to 57 dB(A). Allowing for a 15 dB reduction through an open window (open to provide ventilation), the internal noise level is estimated at 42 dB(A).

* No reflected noise has been included in these calculations which, will result in an underestimation of decibel levels.

In the revaluation of the application, the decibel level predictions do raise concerns relating to potential adverse noise impact during peak time usage. During peak time use, it is likely that people noise from the beer garden will be heard by nearby NSRs (due to the proximity) causing small changes in behaviour, attitude or other physiological responses i.e., having to close windows for some of the time because of the noise. Due to the higher decibel levels, there would be the potential for sleep disturbance for NSRs.

Taking this into consideration and to minimise and reduce the adverse impact of the development, I would recommend that the following conditions are applied to the application:

1. The beer garden shall only be used by customers/members of the public between the hours of 08:00 and 21:30 on any day and at no time outside of these hours.

Reason: To protect the amenity of local residents from noise.

2. No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the beer garden hereby approved.

Reason: To protect the amenity of local residents from noise.

3. No external lighting shall be installed on-site until a lighting scheme has been provided for the site and agreed by the LPA which complies with the requirements 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 area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN14 for the avoidance of light pollution.

Other Representations

Five third party representations have been received, in objection to the proposal. A summary of grounds for objection are as follows:

- Concerns over loss of amenity and security issues with the change of use, through potential increases in noise levels, antisocial behaviour and smoke fumes.
- Since the existing pub wall was lowered back in December 2024 occupants of the current pub garden are able to see into neighbours' gardens, impacting upon privacy.
- The ongoing noise, drunken and disruptive behaviour from customers late into the night, which affects nearby residents' sleep, privacy, and sense of security would be exacerbated by the expansion of the pub garden closer to residential boundaries.
- Current noise levels mean residents are unable to open doors and windows.

- Concerns that existing anti social behaviour such as fights, patrons relieving themselves and vomiting in the street would increase as a result of a larger beer garden.

PLANNING HISTORY

Reference	Description	Decision	Date
84/P0644	Change Of Use To Offices	Approval	22/05/1984
87/P2006	Single Storey Office Extension	Approval	10/11/1987
88/P2253	Conversion Of Office Into 2 No Flats	Approval	21/12/1988
08/0547/FUL	Change of use from residential garden to Beer Garden for adjoining pub	Refusal	10/04/2008
25/0715/COU	Proposed change of use from a residential garden to a Beer Garden for the adjoining Public House	Refusal	06.06.2025

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 37 (Community Safety) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN14 (Control of Pollution) Adopted

E2 (Employment Generating Development in Built-Up Areas) Adopted

Exmouth Neighbourhood Plan (Made)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Policy SE01 (Employment development within settlement boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy OL09 (Control of pollution) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site is an existing residential garden to the rear of No. 8 Church Street, which is situated within the town centre of Exmouth. No. 8 is sited within a row of terraced houses along the southern edge of Church Street. Immediately adjoining No. 8 to the east is The First and Last Inn, a public house. No. 8 has been divided into a ground and first floor flat, and the garden extends 25 metres to the rear and abuts the south western boundary of the existing pub.

The existing rear garden to the pub has an area of approximately 48 square metres, just under half of which is under a polycarbonate roofed smoking shelter, approved under application 07/1373/FUL.

The site is within the Built up Area Boundary of Exmouth but no other designations apply to the site.

Proposed Development

Permission is sought for the change of use of the central portion of the rear garden of No. 8 to form an enlarged beer garden to the existing pub. The application is similar to the previously submitted application 25/0715/COU but seeks to overcome the previous reason for refusal which reads as follows:

1. The proposed beer garden, in close proximity to windows and doors of existing habitable rooms within existing adjacent dwellings, would lead to overlooking and a poor standard of privacy for existing residents. Furthermore, the proposed layout would also provide inadequate separation between private residential amenity areas and the proposed beer garden, leading to a poor standard of residential amenity and security to the existing and future residents, contrary to Policy D1 (Design and Local Distinctiveness) and Strategy 37 (Community Safety) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and Local Distinctiveness) of the Draft East Devon Local Plan 2020 - 2042.)

The boundary between the proposed pub beer garden would be 0.85 metres away from the bottom of the existing external stair from the upper flat at No. 8 Church Street, and would extend perpendicular to the party wall between No. 8 and No. 6 Church Street, to provide a private amenity area for residents of the flats at No. 8. The boundary would be constructed using a 2.0 metre high timber fence and would incorporate a gate through to the beer garden.

A 2.5 metre wide section of the existing boundary wall between the existing beer garden and the rear residential garden has already been removed, and steps have been constructed from the lower level of the existing beer garden up to the level of the existing residential garden.

The proposed beer garden would occupy the central 47 square metres of the existing residential garden. Beyond this, a new wooden fence and gate would be installed between the beer garden and a further private residential garden for No. 8 Church Street.

The application drawings indicate that the existing brick party boundary wall between No. 6 and No. 8 would be increased in height to 2.0 metres, in bricks to match the existing brickwork. The drawings also indicate that new acoustic panels would be fitted to the beer garden boundaries although the number and size of these is not stated. The application form states that Mass Loaded Vinyl (MLV) acoustic fence wrap would be incorporated into the wooden fence and into panels mounted on the walls for noise reduction.

The submission states that the proposal would increase the number of full time equivalent (FTE) employees from the current 6 to 7 FTE employees.

Analysis

The principal issues for consideration are the principal of development and the impact of the proposal upon the residential amenity of the surrounding properties.

Principle of Development

The site is within the Built Up Area Boundary (BuaB) of Exmouth, where Strategy 6 (Development Within Built-up Area Boundaries) applies. Its provisions permit growth and development within BuABs subject to various criteria being met.

Local Plan Policy E2 - Employment Generating Development in Built-Up Areas lends support for new businesses or expansion of existing businesses within Built up Areas, subject to the proposal meeting a number of criteria in respect of accessibility, residential amenity and townscape considerations amongst other criteria. Unlike the previously submitted scheme, the application form indicates the proposal would lead to an increase in employment of one full time equivalent member of staff.

Exmouth Neighbourhood Plan also contains policy support for employment development within the town centre. Policy EE2 states that 'New development which delivers an increase in workspace within the town, generating increased employment opportunities, will be supported.

As such, subject to as assessment of the other impacts of the proposal, the principal of development is considered to be acceptable, and in line with Local Plan Strategy 6 and Policy E2, and Exmouth Neighbourhood Plan EE2.

Residential / Neighbour Amenity

Local Plan Policy EN14 states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of amongst other things noise, smells and fumes.

Other relevant policies include Local Plan Policy D1, which states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

The proposed change of use of the existing residential garden to a beer garden has the potential to impact upon the residential amenity of the existing residents of Church Street through noise, fumes and privacy.

The proposal has moved the beer garden further away from the existing residential properties in comparison to the previously scheme, and allows for a private amenity area of 3.0 metres by 3.8 metres between the existing flats and the beer garden. The previous

delegated report for the 25/0715/COU application erroneously referred to the rooms at the rear of No. 6 and No. 8 Church Street as habitable rooms. It has since been clarified that these rooms are a bathroom to No. 6 and a kitchen at No. 8 which would not be classed as habitable rooms. The proposed 2 metre high boundary fence and gate across the rear of the amenity area would provide adequate separation, security and privacy between the two uses.

A further private residential amenity area is proposed at the opposite end of the beer garden, which would be separated from the beer garden by a timber fence and gate. Residents would still have to go through the beer garden in order to access the private area. This is not ideal, but it would be the residents' choice to go through the beer garden to access the second amenity area. The amenity area provided adjacent to the flats is considered adequate for residential amenity purposes given the urban location of the site.

The existing beer garden is at a lower level than the garden of No. 8 and is enclosed by a substantial rendered garden wall. The area in question proposed for change of use is at a higher level than the existing beer garden and the boundary immediately adjacent the rear of No. 8 and No. 6 Church Street is relatively low, at just over a metre in height. Beyond the external staircase the party boundary wall rises to a height of approximately 1.8 metres. In mitigation, the proposal would look to increase the height of the boundary wall to 2.0 metres in brickwork to match the existing wall, which would help to provide some noise reduction.

The applicant has submitted a Noise Management Plan with the application. The measures proposed within the Plan to limit noise include the following:

- Limiting the beer garden open hours from Sunday - Thursday 10:00 - 22:00 (pub opening hours 08:00 - 00:00) and Friday - Saturday 10:00 until 00:00 (pub opening hours 08:00-01:00)
- Fitting of noise reduction panels to boundary walls and fences
- Staff to monitor outside area for unruly and noisy customers
- Furniture to be fitted with rubber protectors to feet and furniture will not be moved late at night
- The CCTV System is proposed as being upgraded to cover the extended beer garden area
- No further speakers are to be placed in extended garden area
- No bottles bins / skips to be placed in extended area and empty glasses are to be removed from tables regularly to reduce breakages.
- Signage is proposed requesting customers to be mindful of the neighbours both when on the premises and when leaving.
- A robust complaint recording procedure will be put in place.

Planning Practice Guidance on noise recognizes that commercial developments including restaurants, hot food takeaways, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. The PPG advises that noise impacts may be partially offset if residents have access to a quiet façade or amenity space. The remaining amenity space would be on the southern end of the beer garden, therefore the noise impacts of the proposal would not be able to be offset.

The Noise Policy Statement for England aims to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development, and seeks to mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise.

It is recognised that the site is within a busy town centre which is by its nature not quiet. However the proposal could lead to worsening quality of life as a result of noise for nearby residents. Mitigation measures that could be employed in the case of new dwellings planned near a source of noise are not fitted to the existing dwellings and the quality of life of existing residents could be compromised by not being able to open windows when the noise levels are at their highest. The proposed noise reduction panels to be fitted to the boundaries of the beer garden would help to absorb some of the noise generated within the beer garden, however the way in which sounds travels means any mitigation would have a limited impact as the garden is open and sound still would travel upwards.

In terms of policy E14, the proposal could also potentially lead to higher levels of fumes from cigarette smoke and vapes given the close proximity of the proposed beer garden to windows within the existing residential properties. However it should also be noted that the garden of No. 8 Church Street already abuts the existing beer garden. The proposal would bring the beer garden just over 5 metres closer to the residents of No. 6 Church Street.

Environmental Health have commented on this application that due to ongoing noise complaints, Environmental Health have concerns regarding potential noise issues and have recommended a Noise Impact Assessment be undertaken to determine whether the proposed development is likely to adversely affect nearby residents.

It is noted that Environmental Health did not object to the previous 25/0715/COU application, stating that if noise issues developed, they would be dealt with through the Licensing regime.

A number of High Court decisions have emphasised the need for consistency in planning decisions. *North Wiltshire District Council v Secretary of State for the Environment* [1993] 65 P & CR 137 stated that one important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the process.

R (King's Cross Railway Land Group) v Camden LBC [2007] EWHC 1515 (Admin) emphasizes the importance of consistency in planning decisions and the necessity for decision-makers to provide reasons when deviating from previous conclusions.

However, Environmental Health stated that the request for a Noise Impact Assessment was made in light of recent noise complaints, since the previous scheme for the beer garden was refused in June 2025. The complaints related to excessive music noise levels from a band jam night on 24th July 2024 which continued until after 23:00, and excessive music noise levels from an open mic night on 31st July which also continued until after 23.00. The complainant stated that this is a repeated problem on Thursday, Friday and Saturday evenings with windows and doors left open.

In light of these complaints, Environmental Health stated that having on-going noise complaints made against a licensed premises does draw into question the effective management of the premises.

Following on from the complaints, the applicant has been working with Environmental Health to address the noise issues. Environmental Health stated that as the improvements made so far have only been relatively recently made, they have not been able to establish their effectiveness. EH had requested a Noise Impact Assessment. This assessment should determine whether the proposed development is likely to adversely affect nearby residents and evaluate whether appropriate noise mitigation measures are being proposed.

Despite this information being requested, no noise impact assessment has been supplied by the applicant in respect of the proposed change of use.

The applicant has queried the suitability of such an assessment given that people noise is difficult to measure and predict. Environmental Health confirmed a noise impact assessment can be undertaken however using the IEMA Guidelines for Environmental Noise Impact Assessment (2014) assessing the existing baseline noise environment, predicting the future noise levels and evaluating the potential impact on nearby sensitive receptors (NSRs).

In the absence of any noise impact assessment, Environmental Health have carried out a desktop study reviewing published information to establish speech levels. Two speech levels (measured 1 metre from the person speaking) have been taken as being representative for people noise in the beer garden:

1. Female speech: 55 dB(A) (normal) and 63 dB(A) (raised)
2. Male speech: 58 dB(A) (normal) and 65 dB(A) (raised)

Normal trading conditions have been defined as periods when approximately half of the beer garden is occupied and people are generally conversing in normal, relaxed voices. This situation is considered typical during daytime hours.

Raised speech conditions are more representative of peak trading times when the beer garden is fully occupied. During these peak times, most patrons are speaking in louder, raised voices. This is regarded as more of a worst-case scenario likely to occur during evenings, weekends and holiday periods. Raised speech does not include shouting or singing, as these elements are too difficult to reliably quantify or predict.

The estimated noise levels from the beer garden have been assessed as follows:

Normal trading times:

8 males resulting in 67 dB(A) and 2 females resulting in 58 dB(A), giving a combined level of approximately 68 dB(A).

At a distance of 11 metres from the centre of the beer garden to the façade of a habitable room, this equates to 47 dB(A). Allowing for a 15 dB reduction through an open window (open to provide ventilation), the internal noise level is estimated at 32 dB(A).

Peak times:

16 males resulting in 77 dB(A) and 4 females resulting in 69 dB(A), giving a combined level of approximately 78 dB(A).

At a distance of 11 metres from the centre of the beer garden to the façade of a habitable room, this equates to 57 dB(A). Allowing for a 15 dB reduction through an open window (open to provide ventilation), the internal noise level is estimated at 42 dB(A).

No reflected noise has been included in these calculations which, will result in an underestimation of decibel levels.

In the evaluation of the application, the decibel level predictions do raise concerns relating to potential adverse noise impact during peak time usage. During peak time use, it is likely that people noise from the beer garden will be heard by nearby NSRs (due to the proximity) causing small changes in behaviour, attitude or other physiological responses i.e., having to close windows for some of the time because of the noise. Due to the higher decibel levels, there would be the potential for sleep disturbance for NSRs.

Taking this into consideration and to minimise and reduce the adverse impact of the development, Environmental Health have recommended a number of conditions are applied to the application to protect the amenity of local residents from noise and light pollution, which include the following:

- The beer garden shall only be used by customers/members of the public between the hours of 08:00 and 21:30 on any day and at no time outside of these hours.
- No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the beer garden hereby approved.
- No external lighting shall be installed on-site until a lighting scheme has been provided for the site and agreed with the LPA which complies with the requirements 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 area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

The current premises license allows the public house to be open from 08:00 until 00:30 from Monday to Wednesday and on Sunday, and until 01:30 on Thursday, Friday and Saturday. Live music is only permitted indoors, and recorded music is permitted in the current beer garden until 21:00 between April and September and until 19:00 between October and March.

With the above conditions in place to restrict the hours of use of the proposed extension to the beer garden, and to prevent music being played, it is considered the proposal would not lead to any adverse effects to the amenity of occupiers of adjoining residential properties.

A condition would also be required to ensure compliance with the Noise Management Plan. Given the hours of use of the beer garden proposed by Environmental Health, a revised Noise Management Plan would need to be submitted and approved in writing by the LPA to reflect the proposed hours of use.

The proposed changes to the boundaries of the beer garden have resolved the previous concerns regarding the inadequate separation between the proposed beer garden and the existing residential dwellings. The increased height of the boundary between No. 6 and No. 8 and the new boundary across the garden between the beer garden and the rear of No. 8 would ensure reasonable privacy for residents. Given the above, the proposal is considered to be compliant with Local Plan Policy D1 and E14.

Design impact on character of site

The proposal would look to increase the height of the existing party boundary wall between No. 8 and No. 6 to a height of 2 metres, using matching bricks. The proposed acoustic treatment would be applied to the internal face of the proposed beer garden boundaries, therefore it is not considered that the proposal would have an adverse impact upon the appearance of the area. Further details of the boundaries and the proposed acoustic treatment would be required by way of condition to ensure the impacts to neighbours from noise are minimised and that the proposal does not impact the character of the area.

No information is contained within the application regarding lighting. Given the proposed opening hours of the beer garden, it is assumed some lighting would be proposed. As referred to above, should the application be recommended for approval a condition would be required in respect of lighting to ensure that residents are not impacted by light intrusion.

With the appropriate conditions in place the proposal would be in accordance with Local Plan Policy D1 and EN14.

Drainage

The application does not state how surface water would be disposed of. A condition would therefore be imposed upon any approval requiring disposal of surface water by soakaway.

As such the proposal would be in accordance with Local Plan Policy EN22.

Biodiversity Net Gain

The existing residential garden comprises predominately hard paving, with the area to the south eastern end of the existing garden being surfaced in a mixture of gravel, weeds and paved stepping stones. The existing paving would be classed as a sealed surface which would be assigned a 'zero' score under a Biodiversity Gain Metric. The paved area is proposed as being retained, and the existing gravelled area is proposed as being surfaced with either more gravel or with bark chippings. The area proposed for change of use which is not paved is approximately 20 square metres, which would be below the Biodiversity Net Gain 'de minimus' threshold of 25 square metres. As such the provisions of Biodiversity Net Gain would not apply and the scheme is not required to demonstrate a 10% uplift in biodiversity at the site.

Other matters

No changes are proposed to the existing access or parking therefore the proposal would not lead to any highways impacts. There are no listed buildings near the site that could be impacted by the proposal. There are no trees on the application site. The site is within flood zone 1 therefore there are no concerns in respect of flooding.

CONCLUSION

The proposal to create a larger beer garden to the existing public house would give rise to economic benefits through the creation of a larger trading area, and would lead to the creation of one additional full-time job.

The concerns regarding the impacts of the proposal to existing residents of Church Street in close proximity to the proposed beer garden, in respect of noise and fumes, are acknowledged.

The proposal has been revised to allow for improved separation and security for the residents of No. 8 Church Street, and the proposal allows for adequate external amenity space for the residents of No. 8. The height of the proposed boundaries between the beer garden and the existing dwellings would also ensure adequate privacy for residents.

Environmental Health's request for a Noise Impact assessment was made in light of recent noise complaints since the previous application was refused. No such assessment has been provided by the applicant, and as such Environmental Health have carried out their own desk top study which does raise concerns relating to potential adverse noise impact during peak time usage. The proposed beer garden would be likely to lead to noise being heard by nearby noise sensitive receptors and there would be the potential for sleep disturbance.

Conditions are therefore proposed to limit the opening hours of the beer garden, to prevent music or other amplified noise and to control external lighting in order to protect the amenity of local residents from noise and light pollution.

As such, subject to the appropriate conditions to ensure impacts to neighbours are minimised, the application complies with policies contained within the Local Plan and the Exmouth Neighbourhood Plan and is recommended for approval.

RECOMMENDATION

APPROVE 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. Prior to the occupation of the development hereby permitted, details of the proposed acoustic treatment to the beer garden boundaries shall be submitted to and approved in writing by the Local Planning Authority. Details shall include detailed plans / elevations of proposed acoustic treatment / panels to boundaries.
The works shall be carried out strictly in accordance with the approved details and shall be completed prior to the development being brought into use and thereafter retained and maintained for the lifetime of the development.

(Reason - In the interests of reducing adverse impacts to residential amenity in accordance with D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)
4. The boundary gates and fences shall be provided prior to the first use of the development hereby approved. Prior to the first use of the development hereby approved the gates shown on 'Proposed Plans' dated 03/07/2025 shall be fitted with a locking mechanism that is operable from both sides. The gates and fences shall be retained and maintained as such for the lifetime of the development.

(Reason - In the interests of providing secure layouts and safe access for users in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the submitted details, prior to the occupation of the development hereby approved a revised Noise Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved is to accord with the approved Noise Mitigation Strategy for the lifetime of the development.

(Reason - To protect the amenities of neighbouring properties in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).
6. The development hereby approved shall only be used by customers and members of the public between the hours of 08:00 and 21:30 on any day and at no time outside of these hours.

(Reason - To protect the amenities of neighbouring properties in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 -2031).

7. No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the beer garden hereby approved.

(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)

8. No cooking shall take place in the development hereby approved.

(Reason: To reduce the impacts of smoke and odours open nearby residents in accordance with Policy D1 (Design and Local Distinctiveness) and Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031).

9. Prior to the installation of any external lighting to the development hereby approved, full details of that lighting shall be submitted to and approved in writing by the Local Planning Authority. The installation shall comply with the requirements 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 area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The installation of the lighting and its operation shall then be carried out in accordance with the approved details.

(Reason - In the interests of the amenity of occupiers of adjoining residential properties in accordance with D1 (Design and Local Distinctiveness) and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

10. The brickwork to be used to increase the height of the boundary wall between No. 6 and No. 8 Church Street shall match the existing wall in terms of brick type, colour, coursing and coping details. The height of the boundary wall shall be increased in accordance with the approved plans prior to the development being brought into use and shall be retained as such for the lifetime of the development.

(Reason - To safeguard the architectural character of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

11. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 45% for climate change unless details of an alternative means of surface water drainage is submitted to and approved in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall thereafter be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Biodiversity Net Gain Informative:

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 exemption 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:

	Proposed Combined Plans	03.07.25
	Location Plan	14.07.25
Boundary Elevations	Other Plans	21.07.25

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.