

**Agenda for Planning Committee  
Tuesday, 16th December, 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), S Gazzard, J Heath, 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  
[wendy.harris@eastdevon.gov.uk](mailto:wendy.harris@eastdevon.gov.uk)

(or group number 01395 517546)

Issued: Friday, 5 December 2025; Re-issued Wednesday, 10 December 2025



East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

DX 48808 Honiton

Tel: 01404 515616

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

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, 9 December 2025 up until 12 noon on Friday, 12 December 2025 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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** (Page 4)

### 2 **Minutes of the previous meeting** (Pages 5 - 8)

Minutes of the Planning Committee meeting held on 18 November 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 the Press) have been excluded. There is one item that officers recommend should be dealt with in this way

### 7 **Planning appeal statistics** (Pages 9 - 26)

Update from the Development Manager

## **Applications for Determination**

### 8 **21/2045/FUL (Other) TALE VALE** (Pages 27 - 67)

Land north of The Shrubbery, Escot Park, Ottery St Mary.

### 9 **25/1942/PIP (Other) WOODBURY & LYMPSTONE** (Pages 68 - 83)

Land south of Orchard Cottage, Exmouth Road, Exton.

### 10 **25/2039/LBC (Other) WOODBURY & LYMPSTONE** (Pages 84 - 91)

Jasmine Cottage, The Strand, Lympstone, EX8 5JR.

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

**The Vice Chair to move the following:**

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

**PART B**

**12 Verbal update regarding Planning Appeal to Members**

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**

# Planning Committee, Tuesday, 16 December 2025 – 10am

## Speakers' list for the planning applications

### Agenda item 8

Application number: 21/2045/FUL (Other) Pages 27 - 67

Ward: Tale Vale

Address: Land north of The Shrubbery, Escot Park, Ottery St Mary

Ward Member: Councillor Richard Jefferies

Objectors	Louisa Hooper Tel: 07738 773 795
	Jean Brown
Applicant	Mark Best

### Agenda item 9

Application number: 25/1942/PIP (Other) Pages 68 - 83

Ward: Woodbury & Lympstone

Address: Land south of Orchard Cottage, Exmouth Road, Exton

Ward Member: Councillor Ben Ingham / Councillor Geoff Jung

Agent	Keegan Ferreday Tel: 01392 247 025
Ward Member	Councillor Geoff Jung

### Agenda item 10

Application number: 25/2039/LBC (Other) Pages 84 - 91

Ward: Woodbury & Lympstone

Address: Jasmine Cottage, The Strand, Lympstone, EX5 5JR

Ward Member: Councillor Ben Ingham / Councillor Geoff Jung

Agent	Andrew Wilkinson (on behalf of the agent)
-------	---

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 18 November 2025**

#### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 4.15 pm. The meeting was adjourned for lunch at 12.30 pm and reconvened at 1.30 pm.

#### **44 Minutes of the previous meetings**

The minutes of the Planning Committee meetings held on 23 September and 21 October 2025 were confirmed as true records.

#### **45 Declarations of interest**

Minute 52. 25/1638/FUL (Minor) NEWTON POPPLEFORD & HARPFORD

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 54. 25/1409/FUL (Minor) EXMOUTH TOWN

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 53. 25/1034/FUL (Other) BEER & BRANSCOMBE

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillors Brian Bailey and Ian Barlow advised lobbying in respect of this application.

#### **46 Matters of urgency**

There were no matters of urgency.

#### **47 Confidential/exempt item(s)**

There were no confidential or exempt items.

#### **48 Planning appeal statistics**

The Committee noted the appeal statistics report and received brief updates on two appeals allowed. The Development Manager highlighted planning application 24/2515/PIP – land at Slade Farm, Slade Road, Ottery St Mary explaining that while the Inspector acknowledged some landscape harm and amenity impacts, significant weight was placed on the Council's inability to demonstrate a five-year housing land supply. Applying the titled balance, the Inspector concluded that the development was sustainable overall.

Members were reminded that the second appeal concerned Salcombe Regis Camping and Caravan Park, Salcombe Regis. The applicant appealed against a condition restricting stays to no more than 25 weeks in any 12-month period. The Inspector found

the condition to be unreasonable and unnecessary, noting that the Council's standard wording lacked precision and enforceability because it did not require the site owner to record arrival and departure dates. Costs were also awarded against the Council.

49

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

Councillors Kim Bloxham, Bethany Collins and Mike Howe did not participate in the discussion or vote on this application as they had not attended the site visit.

**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)

**RESOLVED:**

The Appropriate Assessment be adopted.

**RECOMMENDED:**

That the Council advises the Planning Inspectorate that members were minded to refuse planning permission for the following reasons set out below, with the precise wording to be delegated to the Assistant Director – Planning Strategy and Development Management:

1. Outside the built-up area boundary, contrary to Strategies 1, 2, 6 and 7 of the East Devon Local Plan
2. Loss of trees and future pressure to fell trees adversely impacting on the amenity and wooded character of the area, contrary to D1, D3 and NP26 of the East Devon Local Plan.
3. Adverse impact on protected species and biodiversity.
4. In the absence of a signed Section 106 Agreement, no mechanism to deliver affordable housing.

50

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

Councillors Kim Bloxham and Bethany Collins did not participate in the discussion or vote on this application as they had not attended the site visit.

**Applicant:**

Mr Ian White (RBL Homes)

**Location:**

Land adjoining Shepherds Court, Lower Lane, Ebbord.

**Proposal:**

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

**RESOLVED:**

1. The Appropriate Assessment be adopted.
2. Approved in accordance with officer recommendation.

51 **25/1180/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

**Applicant:**

Mrs Karin Boase.

**Location:**

Elmside, Newton Poppleford, 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.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

52 **25/1638/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

**Applicant:**

Beverley Raw.

**Location:**

29 Glebelands, Newton Poppleford, 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.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

53 **25/1034/FUL (Other) BEER & BRANSCOMBE**

**Applicant:**

Jurassic Saunas.

**Location:**

The Sea Shanty, Branscombe, EX12 3DP.

**Proposal:**

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

**RESOLVED:**

Deferred to request updated Flood Risk Assessment and Flood Warning and Evacuation Plan.

54 **25/1409/FUL (Minor) EXMOUTH TOWN**

**Applicant:**

Mr Mark Williams.

**Location:**

Flat 1, 8 Church Street, Exmouth, 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.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation subject to the deletion of Condition 6 relating to hours of use.

**Attendance List**

**Councillors present (for some or all the meeting)**

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

**Councillors also present (for some or all the meeting)**

J Bailey  
C Burhop  
R Collins  
J Heath

**Officers in attendance:**

Wendy Harris, Democratic Services Officer  
Andrew Digby, Senior Planning Officer  
Jill Himsworth, Planning Officer  
Damian Hunter, Planning Solicitor  
Emerald McGuire-Febey, Assistant Planning Officer  
Wendy Ormsby, Development Manager

**Councillor apologies:**

S Chamberlain  
M Chapman  
S Gazzard  
Y Levine

Chairman .....

Date: .....

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

**Ref:** 25/0057/OUT      **Date Received** 03.11.2025  
**Appellant:** Mr Paul Hunt  
**Appeal Site:** 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)  
**Planning Inspectorate Ref:** 6001406

---

**Ref:** 25/1187/CPL      **Date Received** 05.11.2025  
**Appellant:** David Hawes  
**Appeal Site:** 6 Bakers Cottages Longmeadow Road Lympstone EX8 5LP  
**Proposal:** Certificate of Proposed Lawful Use for an outbuilding to be used for storing garden equipment, tools and as a log store.  
**Planning Inspectorate Ref:** APP/U1105/X/25/3375504

---

**Ref:** 25/0128/FUL      **Date Received** 06.11.2025  
**Appellant:** FWS Carter & Sons Ltd  
**Appeal Site:** Greendale Business Park Land South of Sidmouth Road Aylesbeare  
**Proposal:** Proposed 30 no. EV charging points, 2 HGV filling station points, and battery farm (enclosed within a building) with associated parking spaces, internal road network/hardstanding, boundary planting, and access and egress onto the Greendale Business Park Private Road Network.  
**Planning Inspectorate Ref:** APP/U1105/W/25/3375541

---

**Ref:** 24/1912/FUL      **Date Received** 14.11.2025  
**Appellant:** Mr Constantinou  
**Appeal Site:** Maycoes Branscombe Devon EX12 3DN  
**Proposal:** Erection of replacement gabion retaining structure.  
**Planning Inspectorate Ref:** 6001716

---

**Ref:** 25/0809/FUL      **Date Received** 27.11.2025  
**Appellant:** Lawrence Arnold  
**Appeal Site:** 1 Silver Street Ottery St Mary EX11 1DB  
**Proposal:** Change of use from office/retail (class E) to 2no. new dwellings (class C3) on the 1st and 2nd floor including self-contained stairwell  
**Planning Inspectorate Ref:** 6002034

---

**Ref:** 25/0686/FUL      **Date Received** 28.11.2025  
**Appellant:** Mr Richard Morgans  
**Appeal Site:** Forge House Wilmington Honiton EX14 9JR  
**Proposal:** Creation of new access, driveway and parking area  
**Planning**  
**Inspectorate Ref:**

---

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

**Ref:** 24/2067/MFUL      **Appeal Ref:** 25/00055/REF  
**Appellant:** Root Power (South) Ltd  
**Appeal Site:** 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  
**Decision:** **Appeal Withdrawn**      **Date:** 03.11.2025  
**Procedure:**  
**Remarks:**  
**BVPI 204:** No  
**Planning** APP/U1105/W/25/3369953  
**Inspectorate Ref:**

---

**Ref:** 24/1268/LBC      **Appeal Ref:** 25/00026/LBCREF  
**Appellant:** Mr & Mrs Martin and Ali Kolaszynski  
**Appeal Site:** 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  
**Decision:** **Appeal Dismissed**      **Date:** 05.11.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation reasons upheld (EDLP Policies D1, EN8, EN9).  
**BVPI 204:** No  
**Planning** APP/U1105/Y/25/3365308  
**Inspectorate Ref:**

---

**Ref:** 24/1267/FUL      **Appeal Ref:** 25/00034/REF  
**Appellant:** Mr & Mrs Martin and Ali Kolaszynski  
**Appeal Site:** Jackmoor Cottage Upton Pyne EX5 5HY  
**Proposal:** Demolish existing annexe and rear extension, proposed new 2 storey extension with link.  
**Decision:** **Appeal Dismissed**      **Date:** 05.11.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation reasons upheld (EDLP Policies D1, EN8, EN9).  
**BVPI 204:** Yes  
**Planning** APP/U1105/W/25/3365953  
**Inspectorate Ref:**

---

<b>Ref:</b>	24/1278/FUL	<b>Appeal Ref:</b>	25/00024/REF
<b>Appellant:</b>	Tim and Libby Read		
<b>Appeal Site:</b>	Land adjacent Upper Spilsby Exeter Road Ottery St Mary		
<b>Proposal:</b>	Construction of a new dwelling and associated landscaping		
<b>Decision:</b>	<b>Appeal Allowed</b>	<b>Date:</b>	05.11.2025
	<b>(with conditions)</b>		
<b>Procedure:</b>	Written representations		
<b>Remarks:</b>	Officer recommendation to approve, Committee refusal. Accessibility and aircraft safeguarding reasons overruled (EDLP Policies TC2, TC12, Strategies 1, 5B & 47).		

The Inspector acknowledged that the proposed dwelling would not be in a suitable location having regard to the development plan policies concerning the location of new housing in the countryside. It therefore conflicts with EDLP Strategies 1 and 5B and policy TC2 in so far as they define the spatial strategy for development in the district and seek to ensure the accessibility and sustainability of new residential development.

The Inspector considered that the level of harm caused as a result of the conflict with EDLP Strategies 1 and 5B and policy TC2 would be moderate. Whilst the proposal would comply with EDLP Strategy 47 and policy TC12, the conflict identified above would cause conflict with the development plan as a whole.

Set against this harm, the design of the dwelling would be of exceptional quality and therefore accords with the Framework's policy regarding isolated homes in the countryside. Recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, isolated homes by their nature are unlikely to have safe and suitable access to settlements by means other than the private car.

The exceptional design quality of the development, with its energy efficiency and reuse of water promoting high levels of sustainability, would be a substantial benefit of the scheme. This attracts significant weight in favour of the development which outweighs the conflict with the development plan.

Having regard to aircraft safety, the Inspector considered that with the imposition of an appropriate condition the development would not have an adverse effect on the safety of aircraft using Exeter airport and would comply with EDLP Policy TC12 regarding aerodromes and safeguarding.

The Inspector concluded that the proposed development would conflict with the development plan as a whole but material considerations, specifically the Framework, indicate that a decision should be made other than in accordance with it.

**BVPI 204:** Yes  
**Planning** APP/U1105/W/25/3364929  
**Inspectorate Ref:**

**Ref:** 24/1150/FUL **Appeal Ref:** 25/00023/REF  
**Appellant:** Mr A Randall  
**Appeal Site:** Roseleigh Church Road Colaton Raleigh Devon EX10 0LH  
**Proposal:** Proposed dwelling with associated driveway and private garden  
**Decision:** **Appeal Dismissed** **Date:** 10.11.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility, landscape and amenity reasons upheld (EDLP Policies D1, TC2, Strategies 3, 5B, 7, 46).  
**BVPI 204:** Yes  
**Planning** APP/U1105/W/25/3364822  
**Inspectorate Ref:**

---

**Ref:** 25/0874/PDQ **Appeal Ref:** 25/00062/REF  
**Appellant:** Mr J Cuming  
**Appeal Site:** 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  
**Decision:** **Appeal Dismissed** **Date:** 12.11.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal.

The Inspector agreed with the Council that the proposal does not meet the requirements of Clas Q of the GPDO to be classed as permitted development.

**BVPI 204:** No  
**Planning** APP/U1105/W/25/3371542  
**Inspectorate Ref:**

---

**Ref:** 25/1291/ADV **Appeal Ref:** 25/00069/ADVREF  
**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  
**Decision:** **Appeal Dismissed** **Date:** 28.11.2025  
**Procedure:** Commercial  
**Remarks:** Delegated refusal, amenity and highway safety reasons upheld (EDLP Policy D4).  
**BVPI 204:** No  
**Planning** APP/U1105/Z/25/3373281  
**Inspectorate Ref:**

---

# East Devon District Council

## List of Appeals in Progress

**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.

**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  
Farrington 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

<b>Ref.No:</b>	22/F0373		
<b>Appeal Ref:</b>	APP/U1105/C/25/3368794		
<b>Appellant:</b>	Daren Richards		
<b>Address:</b>	Valley View Paddock, land adj. Huntsland Farm, Church Hill, Pinhoe		
<b>Proposal:</b>	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.		
<b>Start Date:</b>	11 July 2025	<b>Procedure:</b>	<b>Inquiry</b>
<b>Questionnaire Due Date:</b>	25 July 2025		
<b>Statement Due Date:</b>	22 August 2025		
<b>Inquiry Date:</b>	4 November 2025		

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











<b>App.No:</b>	25/0609/PDQ	
<b>Appeal Ref:</b>	6001237	
<b>Appellant:</b>	Mr Rupert Thistlewayte	
<b>Address:</b>	Land Opposite Cadhay Barton Cadhay Ottery St Mary	
<b>Proposal:</b>	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	
<b>Start Date:</b>	28 October 2025	<b>Procedure:</b> <b>Written reps.</b>
<b>Questionnaire Due Date:</b>	4 November 2025	
<b>Statement Due Date:</b>	2 December 2025	





## Agenda Item 8

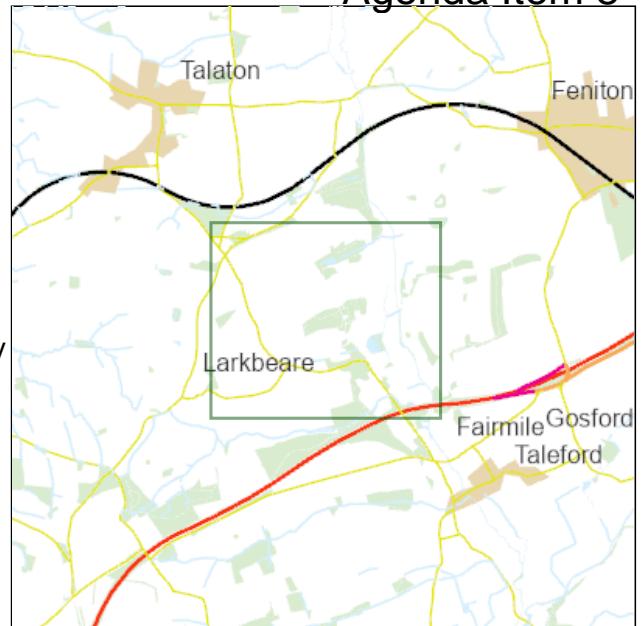
**Ward** Tale Vale

**Reference** 21/2045/FUL

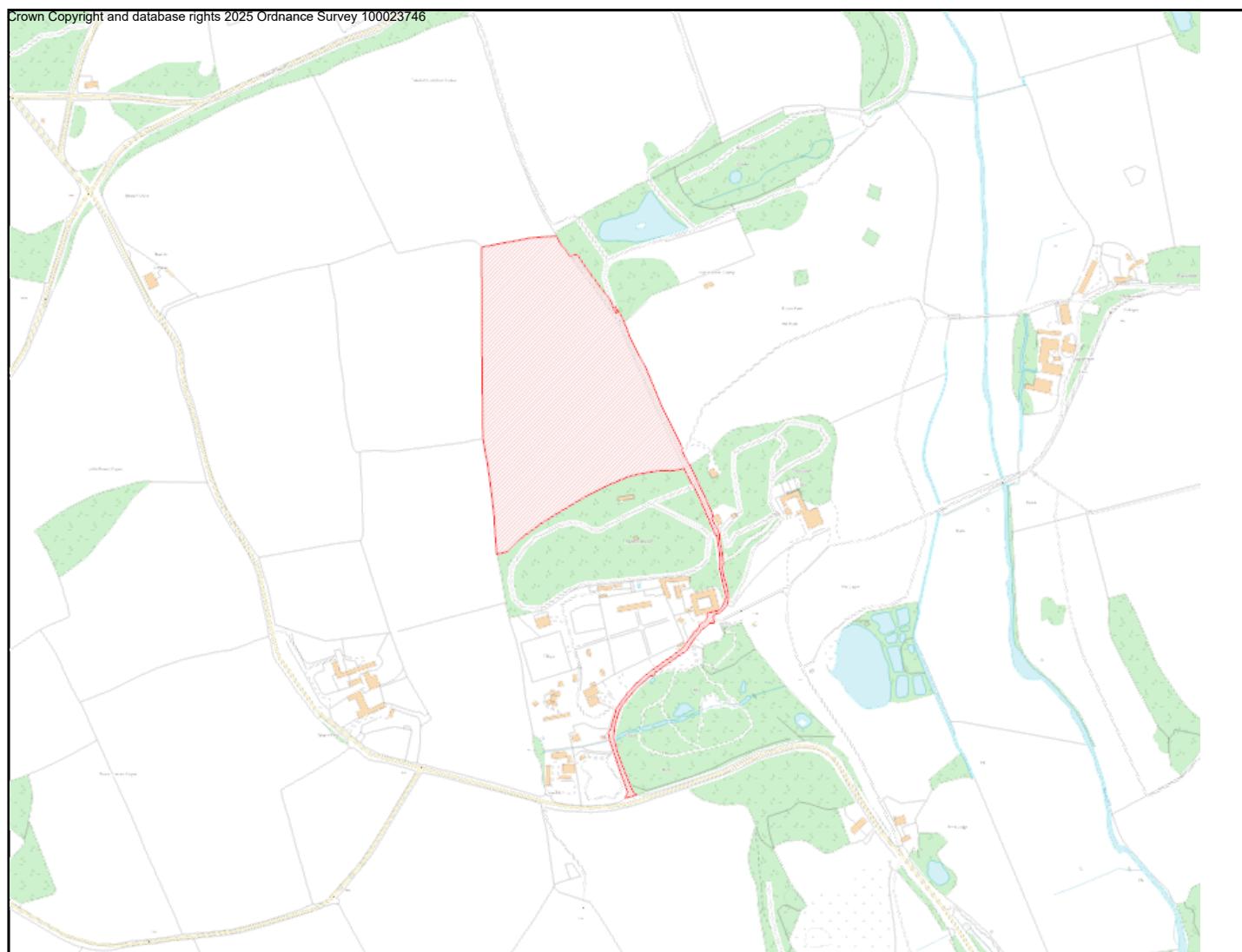
**Applicant** C/O Agent

**Location** Land North Of The Shrubbery Escot Park Ottery St Mary

**Proposal** Change of use from agricultural land to outdoor leisure pursuits and associated operational development.



### RECOMMENDATION: Approval retrospective (conditions)



		<b>Committee Date: 16.12.2025</b>
<b>Tale Vale (Talaton)</b>	<b>21/2045/FUL</b>	<b>Target Date: 24.09.2021</b>
<b>Applicant:</b>	<b>C/O Agent</b>	
<b>Location:</b>	<b>Land North Of The Shrubbery, Escot Park</b>	
<b>Proposal:</b>	<b>Change of use from agricultural land to outdoor leisure pursuits and associated operational development (retrospective)</b>	

**RECOMMENDATION: Approval (conditions)**

**EXECUTIVE SUMMARY**

**This application is before the Planning Committee as it is classified as a major, and the view of the Parish Council is contrary to that of the Planning Officer recommendation.**

**Retrospective planning permission is sought to change the use of the agricultural field to allow outdoor leisure pursuits to take place in the field. The activities taking place in the field are clay shooting, air rifle shooting, axe throwing, archery, laser tag, foot golf, karting and an assault course. There are also some other ancillary structures associated with these activities.**

**This application relates to a field within the Escot Estate and is situated to the north of an area of woodland known as The Shrubbery. Prior to the use which this application relates to, part of the field in question was in use for quad biking and segway riding. That use is part of a wider area, which was granted planning consent under application 16/0517/COU.**

**There are no landscape designations impacting the site, which lies outside of a built-up area boundary. However, the parkland adjoining the site to the east is designated as a County Wildlife Site (CWS). The site is adjoined by fields to the north and west, and by woodland to the south. No trees or close to the site are protected by a Tree Preservation Order (TPO).**

**Escot House, along with some associated outbuildings are grade II listed structures. None of these buildings are within or directly adjoining the application site. Talaton Farm, situated approximately 250 metres south-west of the site, is a grade II\* listed building. There are also some grade II listed structures close to Talaton Farm.**

**With regard to visual impact, there are open views of the field from the west and north. In other directions, the site is screened by woodland, hedges or the topography of the area.**

It is considered that the woodland and hedges provide sufficient screening from the east and south, but that the open nature of the landscape to the north and west is such that there is visual harm when viewing the site from those directions, despite the strong hedge/tree boundary on the northern edge of the site.

With that in mind, the applicants have proposed additional landscape planting along the western boundary of the site, in order to increase screening of the site from that direction. The Council's Landscape Architect supports the principle of the proposed landscaping but seeks some additional details to supplement the submitted detail. Given that, it is considered that it is possible to screen the site from the west, subject to the imposition of a condition to seek the additional details sought by the Landscape Architect, should the application be approved.

Whilst the landscaping would not eliminate views of the site altogether, it is considered that it would improve the situation to an extent where the impacts would not be significant. This accords with Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Local Plan.

In terms of impact on the listed buildings, without formally objecting to the application, Historic England has raised some concerns about the potential for the proposal to have a detrimental impact upon the setting of Talaton Farm.

The Council's Conservation Officer is of the view that the proposal "*leads to slight harm to the setting*" of Talaton Farm, due to the structures on the site. However, the Conservation Officer states that "*the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites*". The Conservation Officer acknowledges that the previously mentioned landscaping would provide further screening of the site from Talaton Farm.

With regard to listed buildings in the Escot Estate, the Conservation Officer states that there would be "*negligible harm to the Escot Estate as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two*".

When considering other possible impacts on the listed buildings, such as noise and dust, the comments of the Council's Environmental Health Officer (EHO) are important. The EHO has not raised concerns about noise from the karting (due to background noise from the A30) or dust.

However, there were initially concerns regarding noise from the clay shooting. Although a condition to resolve those – which restricts the hours of operation for that activity and also the cartridge type to a quieter .410 cartridge – has been suggested. This condition is considered to be reasonable for three reasons: firstly, to reduce the noise impact on the occupiers of properties in the area,

**secondly to reduce noise in the countryside and, finally, to reduce the impact of noise on the setting and experience of the listed buildings.**

With that condition in place, it is considered that the proposal is acceptable in terms of the noise impact on listed buildings. This condition would also ensure that noise levels for the occupiers of any properties in the area are kept to a level which is acceptable and not considered to be a nuisance. Therefore, amenity would be retained, especially as the nature and location of the use is such that amenity loss through matters such as overlooking do not arise.

Therefore, it is considered that the proposal would not have a detrimental impact on listed buildings, or their setting and the experience of them, or result in a loss of amenity to the occupiers of other properties. Consequently, the proposal is considered to comply with relevant local plan policies; in particular D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting), EN9 (Development Affecting a Designated Heritage Asset) and EN14 (Control of Pollution).

Additionally, the noise condition will ensure that the proposal does not have a detrimental impact on the countryside in terms of noise. This is in accordance with the provisions Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) of the Local Plan

It is acknowledged that the site uses grade 2 agricultural land (which is considered to be high quality). However, Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan does allow some flexibility on the use of such land, and it is considered that the proposal does comply with those flexibilities. This is on the basis that:

- No part of the use is permanent, so the land can be used for agriculture again.
- There are benefits to the local economy from the use to which this report relates.
- The nature of the use is such that some elements need to take place in a rural area.
- The site is accessible to its customers.
- As detailed above, the use is not considered to be harmful to heritage, the rural character of the area or the amenity of residents.

It is, therefore, considered that the proposal is acceptable in this regard.

As alluded to above, it is recognised that the proposal does give rise to benefits. This is in terms of a contribution to the local economy by virtue of providing employment and also by supporting a local business which, given the nature of the activities it provides, is most logically situated in a rural environment. This is an important point when considering the planning balance.

The proposal is considered to be acceptable in all other regards.

**Given the above factors, it is considered that any harm caused by the proposed use can be adequately mitigated by conditions relating to noise and landscaping.**

**Therefore, since the nature of the activities taking place is such that they are best suited to a rural location, and as there are benefits from the use in terms of employment provision and contributions to the local economy, it is, on balance, considered that the benefits outweigh any harm which could be caused (especially as the harm can be mitigated by condition).**

**Consequently, it is recommended that this application is approved with conditions.**

## **CONSULTATIONS**

### **LOCAL CONSULTATIONS**

No comments from the current Ward Member for the Tale Vale Ward have been received. However, the following comments have been received from Talaton Parish Council during the process of considering this application:

#### **Parish/Town Council**

18/08/21 - Talaton Parish Council strongly object to this proposal. Yet again, Devon Country Pursuits (DCP) are applying for planning permission retrospectively, showing complete disregard for the planning system or consideration for the residents.

The activities in the proposal do not support biodiversity or the welfare of wildlife and the noise levels are disruptive for residents, particularly from the karting, quad bikes and clay pigeon shooting. Residents have reported several occasions when the quad bikes have exceeded their permitted operating hours and the clay shoot has been operating well in excess of the number of days allowed annually, before permission is required.

The application clearly fails to meet several points in both the National Planning Policy Framework and the East Devon Local Plan. These failures are outlined here as referenced in the Planning Support Statement submitted with this application.

4.1.1 c The Environmental Objective. This application does not improve biodiversity, minimise waste or pollution, mitigate or adapt to climate change and certainly does not move towards a low carbon economy

4.1.3 c "which respect the character of the countryside'. The site is a blot on the landscape with piles of tyres and shipping containers throughout the field

4.1.4 a and b refers to achieving net environmental gains such as creating new habitats for wildlife or improving public access to the countryside. This proposal does not achieve either

4.2.4 Policy E4 of the East Devon Local Plan states that all seven criteria must be met in full. This proposal fails to meet points 1, 2, 5 and 6

4.2.6 This proposal does not meet points 1, 2, 4 and 5 of Policy E20 in the East Devon Local Plan

Talaton Parish Council question the veracity of the statement (3.1.2) which claims that the karting activity only started as recently as June 2021. Nor do we understand or accept the statement 3.1.5 in which the applicant expects that the 'precise construction and position' of the storage facilities should NOT be a part of the planning approval process. Where are the controls to prevent more of the shipping containers and sheds being allowed onto the field if this were the case?

6.1.5 States that all tenants and interested parties have been informed of the application but we had residents of Talaton Farm Barns (some of the closest neighbouring property's) attend our PC meeting who had not been informed.

The public comments submitted for this application are overwhelmingly against it and these views were strongly expressed at our PC meeting on 11 August, with many residents losing faith in the planning system because DCP have historically been granted planning permission despite it always being a retrospective application.

Concern was also expressed about the proximity of the clay pigeon shoot to the public footpath, with shooting taking place in the direction of it.

Should this application be successful, we trust that it would be subject to appropriate planning conditions, which would need to be proactively monitored and enforced.

#### Parish/Town Council

06/02/22 - Talaton Parish Council still objects to this application as there is nothing in the new documents submitted by the applicant, that addresses the issues we raised; therefore, our previous comments stand.

However, we would like to add the following observations from our meeting on 2 Feb 2022, when 14 members of the public, the applicant and his landlord participated in the public open forum.

We saw the applicant engaging with the community when he outlined the positive contribution DCP makes to the local economy and explaining the steps they had taken to reduce noise levels.

Residents reiterated their objection to the intrusive noise levels they were exposed to for long periods every day. They also expressed their concerns about the positioning of the test equipment used in the noise survey. It was located close to Talaton Farm Barns which doesn't consider the residential areas of Lashbrook or Bittery Cross, who seem to be more affected by the noise since the clay pigeon shoot was moved away from the vicinity of Talaton Farm Barns.

We are confident that Environmental Health will take an impartial view of the report to establish the facts and we defer to their expertise.

We should like to see conditions imposed on any planning approval, that reflect the promised reduction in noise levels that were given to us verbally by the applicant.

The Parish Council would also like to see the inclusion of natural screening in the form of trees and hedges, to mitigate the problem of noise pollution, dust, and the visible impact of the site from the road.

Parish/Town Council

18/10/22 - Talaton PC object to this planning application. We agree completely with Chris Hariades, EDDC Landscape Architect, whose report confirms that this retrospective application fails to meet EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3. The appearance of the site has been of great concern to us and our residents, many of whom have submitted their views on this application.

With regard to the updated noise survey, the very nature of the sound of shooting is intrusive and there is no guarantee that the quieter cartridges 410/420 will be used.

Parish/Town Council

27/10/22 - Talaton PC do not support this planning application. We agree completely with Chris Hariades, EDDC Landscape Architect, whose report confirms that this retrospective application fails to meet EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3. The appearance of the site has been of great concern to us and our residents, many of whom have submitted their views on this application.

With regard to the updated noise survey, the very nature of the sound of shooting is intrusive and there is no guarantee that the quieter cartridges 410/420 will be used.

**TECHNICAL CONSULTATIONS**

In addition to the above, comments from other consultees have been received. These are summarised in the table below, and are shown in full in appendix 1 at the end of this report.

<b>Consultee.</b>	<b>Summary of comments.</b>
Conservation Officer.	Acknowledgement that some mitigation measures are in place, and that there would be negligible harm to Escot House, as it is screened from the site by woodland. However, the proposal is considered to have slight harm to the setting Talaton Farm, although ancillary buildings and the existing hedge create a buffer.  Some concern about the piecemeal structures on site, but overall the proposal must be considered in the wider planning balance.
County Footpath Officer.	The proposal does not impact upon a right of way. No objection.
EDDC Landscape Architect.	The principle of the proposed landscaping is acceptable, but further

	amendments/enhancements to it are required.
EDDC Trees.	No objections.
Environmental Health.	<p>Initial concerns about the clay shooting. However, additional information submitted, combined with the use of different cartridges for the shooting are satisfactory, subject to a condition limiting hours of operation and the cartridges used to the .410 type.</p> <p>No concerns about the karting, due to background noise from the A30</p>
Gardens Trust.	Some concerns about the impact of the proposal on adjoining parkland and/or listed buildings.
Historic England.	Some concerns about the impact of noise and visual on the setting of listed buildings. Recommend that the Council seeks advice regarding such matters from relevant Officers.
Natural England	No objections.

It should be noted that many of the above consultation replies were received in response to the information initially submitted with this application and that, in some cases, no further comments have been received in response to consultations regarding additional, updated or amended details. However, the report and conclusions below do take full account of the most recent information submitted by the applicants, or those acting on their behalf.

### **OTHER REPRESENTATIONS**

A total of 32 third party comments have been received. Of those, 30 are objections, 1 is in support of the proposal, and one is neutral.

The objectors raise the following points/concerns:

- Noise.
- Dust.
- It is a retrospective application.
- Visual Impact.
- Shouldn't be open 7 days a week.
- Loss of farmland.

The letter of support states that, in the view of the author, the site is not too noisy, and can only be heard when the wind is blowing in a particular direction.

## **PLANNING HISTORY**

Whilst the wider Escot Estate has an extensive planning history, the only application which is relevant to this site of this application is 16/0517/COU, which sought permission for the '*Change of use of existing tracks for controlled quad biking and segway activities*'. That application was approved on 9th January 2018, and related to some land which is also within the site for the proposal to which this report relates (in addition to other land in the wider Escot Estate).

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 33 (Promotion of Tourism in East Devon) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 49 (The Historic Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

E20 (Provision of Visitor Attractions) Adopted

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

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Policy SE10 (Sustainable tourism) Draft

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

## ANALYSIS

### Site Location and Description

This application relates to field situated to the north of an area of woodland known as The Shrubbery. The quad biking and segway track referred to above uses part of the field, and there are a number of other structures and areas used to facilitate other activities which take place in the field. These structures vary in size from modest sheds to a larger building and a tower which is part of the obstacle course. There is also a cart racing track within the field.

The field slopes gently downwards from its high point in the south-eastern corner of it. The aforementioned woodland forms the southern boundary of the field, with hedges forming the other field boundaries. There are some trees within the hedges, most notably on the eastern and northern field boundaries. The land to the north and west of the site is agricultural, whilst the land to the east of it is part of the parkland associated with Escot House.

There are no landscape designations impacting the site, which lies outside of a built-up area boundary. However, the aforementioned parkland is designated as a County Wildlife Site (CWS), due to the presence of 58 veteran trees, 8 ancient trees and a Water Vole population. None of those trees, or those in the hedgerows are protected by a Tree Preservation Order.

Escot House, along with some associated outbuildings are grade II listed structures. Although none of these buildings are within or adjoining the application site. Talaton Farm, situated approximately 250 metres south-west of the site is a grade II\* listed building. There are also some grade II listed structures close to Talaton Farm.

No public highways adjoin the site. However, there is a public footpath which runs adjacent to the eastern edge of the field, on the opposite side of the hedge to the site.

### Proposed Development

Retrospective planning permission is sought to change the use of the agricultural field to allow outdoor leisure pursuits to take place in the field. The activities taking place in the field are clay shooting, air rifle shooting, axe throwing, archery, laser tag, foot golf,

karting and an assault course. There are also some other ancillary structures associated with these activities. These are as follows:

- Air rifle shooting shed.
- Axe throwing shed.
- Archery shed.
- Laser Tag shed.
- Clay shooting shed.
- Karting control shed.
- Karting viewing area shed.
- Karting storage shed.
- Storage container (shipping container).
- Assault course.
- Toilets.
- Segway shed.
- Footgolf shed.

### Consideration and Assessment

#### 1. Principle and policy.

The Adopted East Devon Local Plan 2013 - 2031 (referred to as the Local Plan for the remainder of this report) is the key policy document against which this application must be determined. Within there are a number of strategies and policies which are particularly relevant. These are as follows:

- Strategy 7 (Development in the Countryside), which seeks to ensure that any development in the countryside does not result in a detrimental impact on the rural setting of the site. Of particular note, is the fact that this Strategy 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"*. In this instance, the parish of Talaton, in which the site is located, does not have a Neighbourhood Plan. Therefore, to accord with this Strategy, the Local Planning Authority (LPA) must be satisfied that the proposal complies with a policy within the Local Plan.
- Strategy 49 (The Historic Environment) and Policy EN8 (Significance of Heritage Assets and Their Setting), which both seek to protect and recognise the cultural heritage of East Devon, and ensuring that development is not detrimental to heritage assets.
- Policy D1 (Design and Local Distinctiveness), which seeks to ensure that development is not detrimental to the area in which it is situated.
- Policy EN14 (Control of Pollution), which seeks to ensure that development do not lead to harmful levels of pollution.

- Policy EN13 (Development on High Quality Agricultural Land), which seeks to protect high quality agricultural land.
- Policy E20 (Provision of Visitor Attractions), which seeks to ensure that new or extended visitor attractions are not detrimental to the area in which they are located.
- Policy RC4 (Recreation Facilities in the Countryside and on the Coast), which seeks to ensure that such facilities are not detrimental to their location.

Relevant paragraphs within the National Planning Policy Framework 2024 (NPPF) will also need to be taken into account.

Regarding the matter of principle, the key policy to consider is Policy RC4 (Recreation Facilities in the Countryside and on the Coast) which states that planning permission will be granted for outdoor recreation facilities in the countryside and on the coast provided that the nature of the activities undertaken or the space requirements of the proposal require a countryside or coastal location and:

- A. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
- B. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
- C. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.

If the use requires a countryside location and the criteria A to C listed above can be met then Policy RC4 gives explicit policy support for this recreational use such that it would also accord with Strategy 7, Development in the Countryside. Compliance with criteria A to C will be assessed below.

## 2. Countryside/visual impact.

The application site relates to an open field, which benefits from open views to the west and north. In other directions, screening is provided by either the adjoining woodland (to the south) or a hedge on the site boundary (to the east), combined with the topography of the area. Therefore, views of the site from the east and south are well screened, and the proposal is not considered to give rise to any detrimental visual impact when viewed from these directions. This is despite the occasional glimpse

views from the public footpath running close on the opposite side of the hedge to the eastern site boundary - views through this hedge are occasional, and not considered to be overly harmful in terms of the visual amenity of the path, especially considering the nature of the countryside to the east of the path.

In contrast, from the north and west, the site is more visible, due to the topography of the site and the open nature of the landscape in those directions, despite the strong hedge/tree boundary on the northern edge of the site. Whilst some of the buildings/structures are modest in size, and are seen in conjunction with the woodland to the south of the site, the appearance of the field when viewed from the north and west is different to that of the agricultural fields surrounding the site. Consequently, without mitigation, the scheme gives rise to visual amenity concerns when viewed from the north and west. With that in mind, a landscaping scheme has been submitted to the Council. This shows some additional planting on the western field boundary, and also includes details about enhancing the boundary hedge.

The Council's Landscape Architect has confirmed that there is no objection to the principle of the submitted landscaping. However, some amendments, clarifications and additions are required. The landscaping is important in terms of screening the site to a level where its visual impact is reduced to an acceptable degree. Therefore, should this application be approved, it is considered important, appropriate and reasonable to impose a condition which not only secures installation of landscaping, but also the amendments to it requested by the Landscape Architect.

Notwithstanding the proposed condition, there will still be some modest landscape harm which will need to be weighed in the planning balance.

### 3. Heritage impact.

There are a number of listed structures within Escot Park, including Escot house - these are all grade II buildings, and are separated from the site by the woodland area to the south of it. In contrast, Talaton Farm, which is situated approximately 250 metres to the south-west of the site is a grade II\* listed building, which also has some other Grade II listed buildings within its curtilage.

Historic England has raised some concerns about the potential for the proposal to have a detrimental impact upon the setting of Talaton Farm, (although they have not formally objected to the proposal), from both visual, dust and noise impacts.

The Council's Conservation Officer has also considered the proposal and has confirmed that there would be "*negligible harm to the Escot Estate as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two*". This would be in terms of visual impact; other possible impacts on the experience of Escot House are considered later in this section of the report.

In terms of the visual impact on the setting of Talaton Farm, the Council's Conservation Officer is of the view that the proposal "*leads to slight harm to the setting*". This is on

the basis of the structures which have been constructed on the site. However, the Conservation Officer states that “*the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites*”.

In addition to the above, and as detailed elsewhere in this report, landscaping is proposed (and will be conditioned, should the application be approved), which will provide further screening of the site. This is acknowledged by the Conservation Officer in their assessment of the proposal.

In terms of the potential for noise and dust impacts on heritage assets, it is noteworthy that the Council's Environmental Health Officer has not raised any concerns with regard to these matters. With reference to noise, this is for two reasons:

- With regard to the karting, the background noise from the A30, which is around 800 metres south of the site, will mean that any noise from the karting will not exceed the existing road noise levels.
- With regard to the shooting, the cartridges used for this have been altered/improved since the use first commenced on the site. The .410 cartridges which are now used have been shown to generate acceptable noise levels in the submitted noise report, which the Council's Environmental Health Officer concurs with the findings of. The use of those cartridges can be conditioned if this application is approved.

Given these factors, and the lack of an objection from the Environmental Health Officer regarding the impact on the amenity of nearby residents, it is considered that the noise generated by the proposal is also unlikely adversely impact the setting of Talaton Farmhouse, or any other listed building in the vicinity of the site. This is on the basis that if the noise would not be to a level where it would be detrimental to the residents of these properties, any noise generated will also be at a level where it would not be detrimental to the rural setting of the listed buildings, over and above any harm caused by existing levels of noise in the area (such as that from the A30). Therefore, the proposal is considered acceptable in this regard.

With regard to dust, again, there have been no objections from the Environmental Health Officer. Given that, and the distance between the site and the listed buildings, it would be unreasonable to argue that there would be any detrimental impact on the setting of Talaton Farm or any of the other listed buildings resulting from dust which would warrant refusal of the application. Again, this is on the basis that, if the Environmental Health Officer is of the view that dust would not cause an issue for the residents of the listed properties, then it would be extremely unlikely that any dust resulting from the activities on the site would be detrimental to the rural setting of the listed buildings.

Consequently, it is considered that the level of harm caused to the setting and experience of the listed buildings is minimal. The proposal would provide benefits, in terms of employment provision, supporting a local business, and contributing to the local economy. This factor is acknowledged by the Council's Conservation Officer in their assessment of the proposal, and must be taken into account when considering the heritage impact in the wider planning balance.

In that regard, given the limited harm to heritage assets, including the experience and setting of them, it is considered that these public benefits (the provision of employment and contributing to the local economy) outweigh any minimal harm caused to the setting and experience of listed buildings. However, this is only with sufficient mitigation in place – in the form of landscaping and controls over noise, discussed elsewhere in this report – and, therefore, it is important that those matters are suitably conditioned, should this application be approved.

Given the above comments, and subject to the conditions mentioned in the previous paragraph, the proposal is considered to be acceptable in terms of its impact on any listed building within the vicinity of the site, in accordance with the provisions of Strategy 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness) and EN8 (Significance of Heritage Assets and The Setting) of the Local Plan, in addition to the Paragraphs 195 to 214 of the National Planning Policy Framework 2023.

#### 4. Pollution.

Policy EN14 (Control Of Pollution) of the Local Plan seeks to ensure that development does not lead to unacceptable levels of pollution. In the case of the proposal under consideration, the pollution most likely to arise is from noise, and the creation of dust. With this in mind, the Council's Environmental Health Officer has considered the proposal, and has concluded that any harmful impacts can be mitigated by condition.

As detailed above, this is by virtue of the proximity of the A30 with regard to noise from the karting.

With regard to the shooting, the applicants have changed the cartridges used during the time that this application has been under consideration and now use .410 gauge cartridges which are quieter than those previously used. The Environmental Health Officer has considered these to be acceptable in terms of the noise they produce. Therefore, in the event that this application is approved, the use of these cartridges will need to be secured by condition.

However, the use of the .410 cartridges is not considered to be appropriate for all the hours which the site is currently open. Consequently, the Environmental Health Officer recommended restricting the hours during which shooting can take place to being as follows:

- 0900hrs to 1700hrs Monday to Friday;
- 1000hrs to 1400hrs on Saturdays;
- With no shooting on Sundays or Bank Holidays.

However, the applicant, through his agent, advised the Council that such restrictions would make the business unviable, as the shooting is a key part of it and weekends are popular for that activity. Therefore, it was agreed with the agent that the hours could be extended beyond those advised by the Environmental Health Officer to be as follows:

- 1000hrs to 1630hrs Monday to Saturday;
- 1000hrs to 1430hrs on Sundays and Bank holidays.

However, these additional hours were only agreed on the basis that the quieter .410 cartridges are the only cartridges which can be used, and that their use would be controlled by condition in the event that the application was approved. This approach would enable a key element of the business to operate as, without it, the proprietor and his agent had stated that the business may not be viable. Mindful of the need to support rural businesses, as required by paragraph 88 of the National Planning Policy Framework (NPPF) 2024, the Environmental Health Officer was consulted on the agreed amended hours for shooting and the cartridges to be used. The Environmental Health Officer agreed that they are acceptable, subject to an additional clause in any condition relating to this matter to state:

*"The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.*

*For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot."*

This additional text would enable to the Council to ascertain whether the shooting is causing a noise nuisance, should a complaint be received, and would mean that the noise generated by the shooting can be controlled through a clear and enforceable condition to a level which the Environmental Health Officer considers to be acceptable.

Given that, it is considered that the shooting could take place without giving rise to unacceptable noise levels having a detrimental impact on residential amenity, heritage assets or the rural setting of the site, subject to the relevant condition being in place.

Noting that the quad bike activities on the site have had permission since 2016, the Environmental Health Officer has concluded that there are no other matters of concern with the proposal, including from any creation of dust.

Through Talaton Parish Council, some reports have been received the Council that shooting can be heard close to Talaton, in the vicinity of Bittery Cross (approximately 1500 metres from the site). Planning Officers have raised this matter with the Council's Environmental Health Officer, who provided the following response in an email:

*"Looking at the noise levels in the applicants NIA [Noise Impact Assessment] they reported average short noise levels at Talaton Farm Barns of 42, 49 & 54 dB(A). Going on the guidance document 'Clay Target Shooting: Guidance on the Control of Noise' Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A) which is why EH [Environmental Health] have recommended a condition specifying the following:*

*The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or*

*determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.*

*If the shot noise levels are controlled below 55 dB(A) at Talaton Farm Barns at a distance of around 450m, any increase in distance will result in lowering of the shot noise level. At a distance of 1400m the shot noise level (for the same tests) would equate to 32, 39 and 44 dB(A). Well below the 55 dB(A) EH recommendation and the level where it is considered for community annoyance to occur.”*

On this basis, it is considered that there would be no reasonable grounds for the Local Planning Authority (LPA) to object to the proposal because shooting can be heard in the Bittery Cross area. In any case, there is no evidence before the LPA to demonstrate that any shooting being heard at Bittery Cross is taking place at the site to which this report relates.

Therefore, given the above comments, it is considered that the proposal is acceptable from a pollution perspective, in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Local Plan, subject to the inclusion of the relevant conditions detailed in this section of the report.

## 5. Amenity.

A number of objections have been received from local residents, with the concerns most frequently raised relating to noise and the hours of operation. Those concerns are also echoed in the Parish Council's comments. Whilst these concerns are understood, it is noteworthy that these concerns can be overcome, as detailed in earlier sections of this report. Consequently, the Council's Environmental Health Officer has not objected to the proposal in terms of noise and hours of operation, subject to the imposition of the condition referred to elsewhere in this report.

In terms of the concerns raised by third parties about dust, it is noted that this issue is not raised as a concern by the Council's Environmental Health Officer. Therefore, it would not be reasonable for the Council to object to the application on these grounds.

In terms of the concerns raised about visual impact, this has been considered earlier in this report and considered to be acceptable, subject to condition.

It is noted that some third parties have raised concerns about the application being retrospective. Planning law allows applicants to submit retrospective applications. Therefore, the proposal cannot be refused for being retrospective.

In terms of planning policy relating to amenity, Policy D1 (Design and Local Distinctiveness) of the Local Plan is the main policy relating to this matter. Given the comments raised above, it is considered that the proposal complies with the relevant elements of Policy D1, subject to the conditions relating to the cartridges used, hours of operation and improved landscaping. Therefore, the proposal is considered acceptable in terms of its impact on amenity.

## 6. Trees.

There are a number of notable trees on the site boundaries; either in the hedge or forming part of woodland. However, the proposal would not impact these trees in any way. Consequently, the Council's Arboricultural Officer has confirmed that there are no objections to the proposal in terms of the impact on trees. The scheme is, therefore, considered to be acceptable in terms of Policy D3 (Trees and Development Sites) of the Local Plan.

## 7. Use of agricultural land.

Clearly, the proposal is utilising agricultural land. In this instance, the land in question is grade 2 agricultural land, which means it is considered to be of high quality. Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan seeks to protect the highest quality agricultural land from development. However, the policy does allow for some flexibility on this where there are advantages to developing or using the land for purposes other than agriculture. With these factors in mind, it is considered that key points to take into account in this instance are:

- None of the development/use to which this application relates is permanent. Therefore, it can be argued that the land isn't being developed and that it will be feasible for the land to be used for agriculture again should the current use cease.
- The current use of the land provides benefits for the local economy, as staff are employed by the operators and customers will contribute to the local economy by spending money on the activities offered at the site (as well as then potentially visiting other parts of the estate, such as the cafe).
- It is understood that the business in question leases the land in question from the Escot Estate. Consequently, the business makes a contribution to the overall viability of the Escot Estate which, in turn, also contributes to the local economy and helps to secure the future viability of the listed building
- A use of the land of the nature proposed needs to take place where it is accessible to customers, which is achieved at the site in question.
- As detailed elsewhere in this report, it is considered that the proposal is not harmful in terms of its impact on heritage, the rural character of the area, amenity residents in the vicinity, or create unacceptable levels of noise or dust.

Clearly, this demonstrates that the proposal complies with some elements of Policy EN13. However, it must also be acknowledged that the land in question is considered to be high quality agricultural land and that, with the activities in question taking place on the site, this land is lost to agriculture.

## 8. Other considerations.

The field to the east of the site forms part of a County Wildlife Site (CWS) which encompasses most of the parkland associated with Escot House. However, the field

to which this application relates is not within that designation. All the activity to which this application relates would take place in the application field (noting that the quad biking which takes place in other parts of the estate was approved under a different application). Furthermore, with regard to the CWS, it is noteworthy that:

- There is no objection on noise and dust grounds from the Environmental Health Officer
- Natural England has not objected to the proposal.
- The Council's Ecologist has informally advised Officers that, in his view, the proposal would not have a detrimental impact on the CWS.

Therefore, it is considered that the proposal would not have a detrimental impact on the CWS designation.

With regard to Biodiversity Net Gain (BNG), the application was submitted before BNG became mandatory. However, the Council's Ecologist has informally advised Officers that the site is likely to have been of a relatively low ecological value prior to its current use commencing, and that, if the scheme were assessed using the BNG criteria (which is not necessary for this application) it would likely be considered neutral to negative. Notwithstanding this, as some landscape planting is required (as detailed earlier in this report), there will be an ecological gain from that, which is considered to be a positive of the proposal.

The proposal would not have any impact on existing public highways. Existing entrances and exits to the Escot Estate would be used, along with existing parking. Therefore, there would be no detrimental impact on highway safety.

The public footpath running close to the eastern edge of the site would not be impacted by the proposal. The County Council Footpath Officer has not raised an objection to the proposal.

The comments of the Parish Council are noted and have been considered in this report. Comments have not been received from the current Ward Member for the Tale Vale Ward, with the only Ward Member comments being from the previous Ward Member. As it is only possible to consider comments from a sitting Ward Member, there are no Ward Member comments to take into account in the determination of this application.

## 9. Benefits of the scheme.

It is recognised that the proposal does give rise to benefits. This is in terms of a contribution to the local economy by virtue of providing employment and also by supporting a local business which, given the nature of the activities it provides, is most logically situated in a rural environment. The development will also help to secure the long term future of the listed Escott House. This is an important point when considering the planning balance.

## 10. Policy Assessment.

As detailed in the various sections of the report, above, it is considered that the proposal complies with the following key local plan strategy and policy:

- Strategy 49 (The Historic Environment) and Policy EN8 (Significance of Heritage Assets and Their Setting), which both seek to protect and recognise the cultural heritage of East Devon and ensuring that development is not detrimental to heritage assets.
- Policy D1 (Design and Local Distinctiveness), which seeks to ensure that development is not detrimental to the area in which it is situated.
- Policy EN14 (Control of Pollution), which seeks to ensure that development do not lead to harmful levels of pollution.

Policy EN13 (Development on High Quality Agricultural Land) seeks to protect high quality agricultural land from development. As detailed above, the proposal takes place on Graded 2 land, which is considered to be high quality agricultural land. That weighs against the proposal. However, on the other hand, the use of the site makes a positive contribution to the economy of the local area, by virtue of employing staff and customers paying to visit the site. Additionally, the activities taking place at the site are most suited to a rural environment.

Whilst the site lies on grade 2 agricultural land, any land in the vicinity which is of a lower quality would be less accessible than the current site and/or would be within the County Wildlife Site designation which covers land within the Escot Estate, and would, therefore, not be suitable for the activities to which this application relates. It is considered that these factors and benefits outweigh the loss of the agricultural land in this instance.

Also, the proposal does not result in the construction of any permanent structures on the site. Therefore, the land is not permanently lost to agriculture as, should the business move away from the site, the land could be used for agricultural purposes again.

There is some limited flexibility within Policy EN13 to allow development on high quality agricultural land. This extends to situations where developments are, on balance considered to provide benefits which outweigh the use of the land. For the reasons detailed above, this is considered to be the case in this instance, so, whilst there is a use/loss of high-quality agricultural land, this is considered acceptable in the case of this application.

With regard to Policy E20 (Provision of Visitor Attractions), which seeks to ensure that new or extended visitor attractions are not detrimental to the area in which they are located, it is considered that the proposal would comply with all elements of that policy. With regard to point 4, relating to accessibility, this is on the basis that the proposal relates to an existing tourist attraction which, whilst not directly accessible by public transport, is within a reasonable cycle distance from Feniton railway station, which is

also served by some buses. It is also adjacent to the existing tourist attraction of Escot House and Park which allows for joint visits.

Policy RC4 (Recreation Facilities in the Countryside and on the Coast), lists three key criteria which must be met by such facilities when they need to be located in the countryside or on the coast (as detailed above, it is considered that the activities to which this application relates are best suited to a rural location). These criteria are as follows:

- D. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
- E. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
- F. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.

It is considered that the proposal meets these requirements because:

- A. As detailed above, the proposal is not considered to be detrimental to the rural nature of the area or to conflict with any policies relevant to that.
- B. The parking arrangements for the proposal utilise existing parking at Escot and, therefore, will have no further impact.
- C. The facilities on site are considered to be suitable for the nature of the proposal, and are also temporary in nature.

Therefore, it is considered that the proposal complies with Policy RC4.

With regard to the NPPF, it is considered that the proposal is supported by this. In particular, by Paragraph 88, which states that decisions should enable "*the development and diversification of agricultural and other land-based rural businesses*", without specifically stating that this should be an agricultural business, before then continuing to give support to "*sustainable rural tourism and leisure developments which respect the character of the countryside*".

Given these comments, it is considered that the proposal is acceptable in terms of policy considerations.

## 11. Emerging Local Plan assessment.

The draft emerging East Devon Local Plan 2020 – 2042 is due to enter its final Regulation 19 consultation period. Therefore, it is necessary to consider this proposal against the policies proposed in that plan. However, given the stage that the plan is at, the weight attributed to the policies is limited, with some policies, where large numbers of objections/comments have been received to date, having extremely limited weight at the current time. Nevertheless, the Emerging Local Plan policies which are

considered to be most relevant to the proposal to which this report relates are as follows:

- Strategic Policy SP06: Development beyond Settlement Boundaries
- Strategic Policy DS01: Design and local distinctiveness
- Strategic Policy OL01: Landscape features
- Policy OL09: Control of pollution
- Policy OL10: Development on high quality agricultural land
- Strategic Policy HE01: Historic environment
- Policy HE02: Listed buildings
- Policy SE10: Sustainable tourism

As the wording and principle of those policies is similar to the equivalent version in the Adopted Local Plan, and notwithstanding the limited weight attributed to the Emerging Local Plan currently, it is considered that the proposal is in compliance with the current draft of the Emerging Local Plan, for the reasons detailed earlier in this report.

## **CONCLUSION**

Whilst the proposal could result in some harm in terms of noise and visual impact, these impacts can be sufficiently mitigated to ensure that the level of any harm is low and at an acceptable level

There are clear benefits to the scheme, as it contributes to the local economy by virtue of creating employment and also as customers will be spending money at the site. It will also help to secure the long term viability of the listed Escot House.

Given that the harm will be minimal as it will be mitigated, it is considered that the benefits of the scheme outweigh the limited harm which could arise once the mitigation is in place (which can be secured by condition).

Consequently, on balance, it is considered that this application is acceptable. Therefore, it is recommended that this application is approved with conditions.

## **RECOMMENDATION**

APPROVE 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. Notwithstanding the submitted landscaping plan and notes, prior to the installation of any landscaping, an updated landscaping plan and notes shall be submitted to, and approved in writing by, the Local Planning Authority within two months of the date of this decision notice. The updated details shall retain at least the same area of planting shown on drawing number 23.457.02, dated January 2025 (and the notes to accompany that drawing), but shall be amended to include at least the following:

- A standard tree mix of *Quercus robur*, *Acer campestre*, *Prunus padus* (bird cherry), *Crataegus monogyna* and *Ilex aquifolium*.
- A reduction in the proportion of hawthorn and an increase in the proportions of hazel and blackthorn.
- Hedging plants shall be supplied as 1+2 transplants size 600-900mm and fitted with appropriately staked Rabbit guards.
- Planting notes to include for ground preparation by mechanical stripping of weed growth or treatment with systemic herbicide in 1.5m width strip along proposed hedgeline.
- Notes to show that, after planting and watering, a composted bark mulch shall be laid beneath the planting in a 1.5m width strip to a depth of 75mm
- Hedge maintenance notes to specify a minimum height once established of 3m, with cutting height raised by 100-150mm at each cut to prevent formation of pruning knuckles.

The landscaping shall be undertaken in accordance with the approved details in the first full planting season after the approval of the updated details, and shall then be maintained for a minimum period of 10 years in accordance with the agreed maintenance details. Any specimen planted as part of the landscaping which subsequently dies within 10 years of being planted shall be replaced with specimen of the same size.

(Reason - To provide enhanced screening of the site in order to protect the visual amenity of the countryside and in the interests to maintaining the rural setting of listed buildings within the vicinity of the site, in accordance with Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN8 (Significance of Heritage Assets and Their Setting) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

3. With regard to the Clay Shooting activities, or any other shooting activities permitted by this permission, the following shall apply:

A) The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.

For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot. Any measurements and calculations shall be carried out in accordance with the CIEH 'Clay Target Shooting: Guidance on the Control of Noise'.

B) The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

- o Monday to Saturdays: 10:00hrs to 16:30hrs

o Sundays or any Public or Bank Holidays: 10:00hrs to 14:30hrs.

C) Only the firing of .410 gauge cartridges is permitted within the site unless otherwise agreed in writing by the Local planning Authority

D) No more than two people may simultaneously fire shots (for the avoidance of doubt, this number does not relate to the overall group size, only to the number of people who can fire a shot at the same time) within the application site.

(Reason - To ensure that the noise produced by shooting activities on the site is not harmful to the amenity of local residents, the setting of near-by listed buildings or to the rural setting of the site, and to accord with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

4. Visitors to/customers of the business to which this planning permission relates may only park in the locations highlighted on the parking plan received by the Local Planning authority on 16th April 2025.

(Reason - To ensure that vehicle parking of the business does not expand into other parts of the wider Escot Estate, in order to protect the character and appearance of the countryside and the listed buildings within the vicinity of the site, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

5. Only the specific activities shown on drawing number A01.03 (Block Plan), dated 12/03/25, and received by the Local Planning Authority on 28/03/25, may take place on the site. Furthermore, those activities may only take place in the locations shown on the aforementioned plan.

(Reason - To clarify the permission and to ensure that only activities which have been considered through this application may take place on the site, in order to protect the amenity of the occupiers of properties in the vicinity of the site, and to protect the setting, character and appearance of the countryside and heritage assets, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

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 further buildings or structures shall be installed on the site to which this permission relates without the prior written consent of the Local Planning Authority.

(Reason: In order to protect the amenity of the occupiers of properties in the vicinity of the site, and to protect the setting, character and appearance of the countryside and heritage assets, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

## 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 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 1 from the list below are considered to apply:

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

#### Irreplaceable habitat

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

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

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

#### Plans relating to this application:

A01.03	Block Plan	28.03.25
Car parking locations	Other Plans	16.04.25
	Location Plan	30.07.21
A01.01	Proposed Site Plan	24.01.22
A02.01 : clay shooting shed	Proposed Combined Plans	24.01.22
A02.02 : air rifles shooting shed	Proposed Combined Plans	24.01.22

A02.03 : archery shed	Proposed Combined Plans	24.01.22
A02.05 : karting view area	Proposed Combined Plans	24.01.22
A02.04 : axe throwing/karting control shed	Proposed Combined Plans	24.01.22
A02.06 : football/golf/segway shelter	Proposed Combined Plans	24.01.22
A02.07 : karting store	Proposed Combined Plans	24.01.22

#### 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.

## **Appendix 1 – Technical Consultation Responses in full.**

### **Conservation**

01/09/21 - Overall I concur with the comments submitted by Historic England. There has been no assessment with regards to the impact of the setting of the designated heritage assets including all the curtilage listed heritage assets. This includes Rose Cottage that shares the access lane to the site. There is additional concern with regards to the fluid siting of the buildings on the site, however it would be appreciated if there was more detailed submitted with regards to maximum heights required and materials proposed. More information required.

### **Conservation**

21/08/25 - Significance and background

The proposal site is a large open field which is now being used as an outdoor pursuit venue. It is within a rural agricultural landscape of gently rolling hills and open fields, mature trees, small woodlands and hedgerows, and to the south and east is the Escot House estate and Park, with the Grade II listed house and ancillary buildings separated from the site by a woodland. There is no apparent historic relationship with Escot Park.

Across the fields to the south-west is a group of farm buildings including the Grade II\* listed Talaton Farm and the Grade II listed Talaton Farm Barns, along with curtilage listed ancillary buildings within the same group.

### **Assessment**

This retrospective application is for the change of use of agricultural land to space for outdoor leisure pursuits. This includes shooting, go-karting and archery, with cabin structures associated with this use located around the site and cluttering a previously rural open space, and a go-kart track on the sloping south-west corner which creates quite a visual intrusion. The new use of the site, the change in visual appearance of the land and the associated noise all have an impact on the rural character.

The proposal leads to slight harm to the setting of the nearby Talaton Farm, which is on the same gently sloping hillside as the centre, with the activity sheds and structures in front of the tree line slightly visible from the farm group, although the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites.

Some mitigation measures have been submitted to reduce the noise from the site, and visual screening is proposed in the form of native hedge and tree planting on the west boundary of the proposal site which will go towards reducing the visual impact over time, although given the nature of the use the harm cannot be fully eliminated. There are public benefits in the form of employment and supporting the local economy and these need to be weighed up in the wider planning balance, particularly with regards to the visual impact and noise.

My concern is with the large number of piecemeal structures on the site, some of which are not shown on the block plan, as well as their design. Low structures such as the go kart track barriers will be largely obscured by the proposed hedge and planting, and this could be mitigated against quite easily. Taller structures such as the

castellated sheds are completely out of character in this setting and do not appear in the application.

The proposal leads to negligible harm to the Escot Estate, as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

The activity site leads to slight harm to the setting of Talaton Farm as assessed above, and the proposed mitigation will go some way towards reducing this harm. To reduce it further I would suggest that the number of structures is reduced, with consideration given to their siting, grouping and design, including the removal of the castellated structures which appear to have been added since the application was submitted.

Recommendation: Some concerns - assess as part of the wider planning balance

#### DC Footpath Officer

03/08/21 - The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

#### Response

The proposal as submitted does not appear to affect Talaton Footpath No.4, which is partly within the site boundary as shown on the location plan.

Should planning permission be granted the applicant must ensure that the access to the site which is used by the above public path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the

applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way or road in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way or road without following the due legal process including confirmation of any order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.

### EDDC Landscape Architect

01/09/22 -

#### 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site. The application is retrospective, the site works having been completed.

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.

#### 2 REVIEW OF SUBMITTED INFORMATION

The application site is prominently situated within an open field on the top of a low ridgeline to the north of Escot Park and forms part of a gently rolling farmed landscape with medium to large rectangular fields under intensive arable production. Boundaries comprise low cut hedgebanks with occasional taller sections and some more open sections.

A mature woodland belt, The Shrubbery, adjacent to the southern site boundary and a hedgebank with tall trees to the eastern boundary provide screening in views from the south and east but there are open views from the north, west and southwest. Visual receptors include users of the Fairmile to Talaton road and Larksbeare road, Talaton footpath 4 and residents of Beacon Cottages and Talaton Farm Barns.

The proposals appear as a random collection of buildings and associated paraphernalia on an open hilltop and represent an uncharacteristic intrusion within a tranquil, rural landscape with otherwise few modern detractors evident. The development has an unacceptable adverse landscape and visual impact and provides no landscape or biodiversity benefit.

The application submission is missing important information required as part of EDDC validation requirements including:

- Topographic survey
- Tree survey and arboricultural impact assessment
- Landscape strategy plan
- Detailed hard and soft landscape proposals
- Drainage details
- Landscape management plan

- Preliminary ecological survey

For the above reasons the application is considered unsatisfactory and should be refused as contrary to EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3.

EDDC Landscape Architect

15/07/25 - I have reviewed the submitted soft landscape details in respect of the above application and note the following points:

- The principle of a new native hedge with trees is acceptable but some refinement is required in respect of choice of species.
- In respect of the proposed planting of *Prunus avium plena* the planting notes refer to this as bird cherry which is incorrect. It is a cultivated form of gean (wild cherry) with double flowers.
- For proposed standard tree mix I would recommend restricting the palette to *Quercus robur*, *Acer campestre*, *Prunus padus* (bird cherry), *Crataegus monogyna* and *Ilex aquifolium*.
- In respect of the proposed hedge mix I recommended reducing the proportion of hawthorn and increasing the proportions of hazel and blackthorn.
- Hedging plants should be supplied as 1+2 transplants size 600-900mm and fitted with appropriately staked rabbit guards.
- Planting notes should include for ground preparation by mechanical stripping of weed growth or treatment with systemic herbicide in 1.5m width strip along proposed hedgeline.
- After planting and watering a composted bark mulch should be laid beneath the planting in a 1.5m width strip to a depth of 75mm
- Hedge maintenance notes should specify a minimum height once established of 3m, with cutting height raised by 100-150mm at each cut to prevent formation of pruning knuckles.

EDDC Trees

18/08/21 - Having reviewed the application documents I have no objections to the change of use at the site.

EDDC Trees

08/02/22 - Having reviewed the application documents I have no objections to the change of use at the site.

EDDC Trees

23/03/22 - Having reviewed the application documents I have no objections to the change of use at the site.

### Environmental Health

31/08/21 - I have considered the application and I do have concerns in relation to noise from a number of outdoor leisure activities.

This application involves the introduction of a number of outdoor leisure activities including karting and clay target shooting 9am-6pm, 7 days a week. No noise data has been submitted with the application. I am concerned that the noise impact from these outdoor activities has not been fully assessed and therefore, it is not known if they are suitable in this location or whether noise mitigation is required in order to safeguard the external amenity areas of the nearest noise sensitive dwellings. This information is required before I can make a recommendation.

I therefore recommend that the applicant undertakes a full noise impact assessment including the submission of the sound power data for the karting and clay target shooting. Further to this a BS4142:2014+A1:2019 assessment should be undertaken in order to determine the likely noise impact from karting and clay target shooting the on nearby noise sensitive dwellings when measured against the background sound levels.

The purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of these outdoor leisure activities. This information will help the decision making process for this application.

### Environmental Health

08/02/22 - I have considered application 21/2045/FUL in terms of the noise impact from the outdoor karting and clay target shooting separately due to their varying impact on surrounding noise sensitive dwellings.

#### Karting

I do not anticipate any environmental health concerns in relation to noise from karting (due to the raised background noise levels from the A30).

#### Clay Target Shooting

The applicants' noise assessment evaluated a number of survey shoots. The results of the 2nd survey shoot, showed that with using the .410 cartridges the average shot noise level (SNL) at Beacon Cott was 55 dB(A), at Riverwood Fm 56.8 dB(A) and at Lashbrook 59.3 dB(A).

The results of the 3rd survey shoot showed that with using the .410 cartridges the average SNL at Beacon Cott was 48 dB(A) at Riverwood Fm 47 dB(A) and at Lashbrook 49 dB(A).

No explanation has been given to the variation in the SNL's from survey 2 & 3 therefore, the SNL's given in survey 2 will be taken as a representative SNL for the worst case scenario.

I agree with the findings of the noise assessment that SNL's of below 55 dB(A) would be noticeable but not necessarily intrusive at nearby residential properties. However, annoyance is likely to occur at a mean SNL above 55 dB(A). Above 55 dB(A) would

certainly be more noticeable and possibly intrusive. The noise impact from the shooting activity at this SNL lies between LOAEL and SOAEL. Noise from the shooting activities between LOAEL and SOAEL means that on certain days the noise will be noticeable and will have a moderate impact on residential properties i.e., the noise will be heard and will cause changes in behaviour and/or attitude, e.g. not wanting to stay in the garden. Levels of 55 to 59 dB(A) will affect the acoustic character of the area and as such that there may be a perceived change in the quality of life as residents will not want to stay in their gardens. The SNL will likely have an adverse impact on local residents and therefore, mitigation is required to reduce the level of adverse impact to a minimum.

Due to the high number of days where shooting can occur it is appropriate to restrict the times of operation and the number of days per week that shooting may take place. In order to reduce to a minimum the adverse noise impact caused by the clay target shooting, I recommend approval of the application with the following planning conditions:

The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

Monday to Friday: 09:00 to 17:00 with a maximum cumulative duration of 4 hours shooting per day

Saturdays: 10:00 to 14:00 with a maximum cumulative duration of 3 hours shooting per day

No shooting shall take place on Sundays or any Public or Bank Holidays

Only the firing of .410 gauge cartridges is permitted with this permission

08/02/22 - The applicant's noise assessment does not currently contain sufficient information for a final recommendation to be made.

In relation to the applicants noise assessment I have the following comments:

Whilst the boundary of Talaton Farm Barns was a suitable location for the monitoring of the karting noise, it's felt that this location is not a suitable location to be used (due to the shooting direction of the guns) for the clay target shooting.

The noise footprint from a gun being fired is roughly pear shaped with noise levels in the direction of the shooting being much higher than noise levels to the side and the rear. Taking this point into consideration, at least two more appropriate noise sensitive properties should be used for monitoring the impact of the clay target shooting. There are properties to the North and West of the shooting location (Riverwood Farm to the North & Beacon Cottages to the West).

Other information required for the assessment includes:

The cartridges and sizes of the guns being used for the clay target shooting for the period of the noise assessment.

I recommend that a new noise assessment is undertaken using the more appropriate noise sensitive properties that ties in with the directional shooting of the guns. Undertaking the noise assessment in these locations will give a clearer perspective and understanding of the level of impact from the noise generated from the clay target shooting.

Environmental Health

21/03/22 - Further information is required:

Having reviewed the amended noise assessment, it would be useful to have the background sound levels (LA90) for the 2nd noise assessment at each noise sensitive location in order to compare the SNL against each locations LA90.

21/03/22 - I have considered application 21/2045/FUL in terms of the noise impact from the outdoor karting and clay target shooting separately due to their varying impact on surrounding noise sensitive dwellings.

#### Karting

I do not anticipate any environmental health concerns in relation to noise from karting due to the raised background noise levels (A30 vehicle noise) in the area around Talaton Farm (closest group of noise sensitive dwellings).

#### Clay Target Shooting

I do anticipate environmental health concerns in relation to noise. In order to reduce to a minimum the adverse noise impact caused by the clay target shooting, I recommend approval of the application with the following planning condition attached.

The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

- o Monday to Friday: 09.00 to 18.00 with a maximum cumulative duration of 4 hours shooting per day
- o Saturdays: 10.00 to 14.00 with a maximum cumulative duration of 3 hours shooting per day
- o No shooting shall take place on Sundays or any Public or Bank Holidays

The only permitted types of clay target shooting with this permission is the firing of .410 gauge cartridges

#### Environmental Health

07/11/22 - Further information is required:

Having reviewed the amended noise assessment, it would be useful to have the background sound levels (LA90) for the 2nd noise assessment at each noise sensitive location in order to compare the SNL against each locations LA90.

#### Environmental Health

20/01/25 - With an increase in the hours of operation I think it would be best to have a further safeguard in place i.e., a mean short noise level condition. These are the conditions EH would recommend with the extended hours:

1. Within a continuous measurement period of 30 minutes, the mean shot noise level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property.

For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot.

Any measurements and calculations shall be carried out in accordance with the CIEH 'Clay Target Shooting: Guidance on the Control of Noise'.

2. The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

- o Monday to Saturdays: 10:00hrs to 16:30hrs
- o Sundays or any Public or Bank Holidays: 10:00hrs to 14:30hrs

3. Only the firing of .410 gauge cartridges is permitted with this permission

The Gardens Trust (Central) And Garden History Society

14/02/22 -

Your ref: 21/2045/FUL

Our ref: E21/0814

Application No: 21/2045/FUL

Change of use from agricultural land to outdoor leisure pursuits and associated operational development

Land North Of The Shrubbery Escot Park Ottery St Mary

Thank you for consulting Devon Gardens Trust on the above application which affects Escot, an historic designed landscape which is included on the Gazetteer of Designed Landscapes of Regional and Local Significance.

The Gardens Trust, formerly The Garden History Society, is the Statutory Consultee on development affecting all sites on the Historic England Register of Parks and Gardens of Special Historic Interest. Devon Gardens Trust is a member of The Gardens Trust and acts on its behalf in responding to consultation in the County of Devon. In addition, and in conjunction with The Gardens Trust, Devon Gardens Trust responds to consultations affecting designed landscapes of regional and local significance, such as Escot.

We have reviewed the information relating to this application on your website, and would highlight several concerns which we would ask your Authority to consider when determining this application.

The designed landscape at Escot is of regional or local significance; it also forms the designed setting of several Listed structures all of which relate to the overall historic Estate. In these circumstances we consider that it is clear that the designed landscape should be treated, for planning purposes, as an undesignated heritage asset. As such, we consider your Authority's request for a full Heritage Statement and impact assessment to be entirely justified and necessary in order properly to fulfil the requirements of the National Planning Policy Framework (para 189). We do not find the Applicant's Agent's email on this subject dated 24th January 2022 to be an adequate or convincing response. Paragraph 197 of the National Planning Policy Framework states that, "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"; we do not believe that you have been provided with sufficient information on which properly to make this balanced judgment.

Similarly, we do not find section 5.4 of the Supporting Statement (July 2021) to provide a sufficiently clear or adequate explanation of the significance of the designed landscape at Escot, and the role of the proposed development site within that designed landscape such as to fulfil the requirements of NPPF para 189. We conclude that the Applicant's Agent has failed to provide your Authority with the appropriate level of information to enable you properly to determine it in accordance with the requirements of National Planning Policy Framework

We would ask that these observations be taken into consideration when you determine this application.

Yours sincerely

Jonathan Lovie

Conservation Officer  
Devon Gardens Trust

#### Historic England

31/08/21 - Thank you for your letter of 9 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England's interest lies in the potential impact of the proposal on the grade II\* listed Talaton Farmhouse, situated to approximately 300m south west of the application site. An assessment of significance should be undertaken, utilising the staged approach set out in Historic Environment Good Practise Advice Note 3: The Setting of Heritage Assets. This should include an assessment of not only the visual impacts but also the environmental factors such as noise, dust and vibration, which can affect our experience of place.

#### Significance of Talaton Farmhouse

Talaton Farmhouse is a late 15th/ early 16th century vernacular cob 4 room cross passage property. It retains several interesting features including a late medieval roof as well as an early example of the use of brick in Devon. The building due to its more than special architectural and historic interest has been designated as grade II\* listed.

The farmhouse and its associated historic farm complex, including a grade II listed Linhay and Barn, is situated within green fields reflecting its agricultural function. This is an integral part of the experience of the house and contributes to its significance.

#### Impact of proposals

The current supporting documentation has not provided any assessment as to the potential impact of the development on the setting of Talaton Farmhouse, which is only approximately 300m away across open fields from the proposed application site.

In assessing the impact of the development within the setting of the listed building, we would recommend that the stepped methodology in the Historic Environment Good Practise Advice Note 3: The Setting of Heritage Assets (2nd edition 2017) (GPA3) is used to undertake the assessment

As the proposal relates to a change of use from agricultural land to outdoor leisure pursuits and associated operational development, including go karts, consideration should be given to the environmental factors that could impact on the experience of place. When considering setting, the National Planning Practise Guide highlights that although "the extent and importance of setting is often expressed by reference to visual considerations ... the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. (013 Reference ID: 18a-013-20190723)."

Therefore, as part of any assessment, consideration needs to be given to the impact of the changing external factors such as noise, vibration and dust as part of the assessment process.

#### Historic England's Position

Historic England considers that the current proposal does not provide adequate assessment to satisfy the requirements of Para 194 (Revised NPPF (2021)). Therefore, it is not possible to ascertain the potential impact of the proposals on the significance of Talaton Farmhouse as derived from its setting. Without understanding the significance, it is not possible to understand whether the potential impacts will result in harm and to address the relevant requirements of the NPPF (Chapter 16).

Any assessment needs to consider the environmental factors as well as any visual impact, in line with the staged approach set out in GPA3.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

Further information is required in order to enable an appropriate assessment to be made of the proposals and to satisfy the requirements of Para 194 of the Revised NPPF (2021).

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Rhiannon Rhys  
Inspector of Historic Buildings and Areas  
E-mail: [Rhiannon.Rhys@HistoricEngland.org.uk](mailto:Rhiannon.Rhys@HistoricEngland.org.uk)

cc:  
Conservation, EDDC

## Historic England

15/02/22 - Thank you for your letter of 25 January 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

### Historic England Advice

No formal heritage statement has been submitted in light of the request set out in our earlier letter (dated 27 August 2021). However, the additional information provided does enable a more rigorous assessment to be undertaken regarding the impact of the proposed development on the grade II\* listed Talaton Farmhouse.

It is recognised that the intervening landscape would limit the visual impact of the proposed development on the setting of the grade II\* listed Talaton Farmhouse.

However, it should be noted that Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets, recognises that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.

We note that there was a previous consent for use of the site for Quad Bikes (16/0517/COU). It is not clear if the current proposals will increase the noise and dust etc produced by the site. The council, utilising relevant expertise, will need to satisfy themselves that the proposed change of use will not adversely affect the experience of Talaton Farm.

Finally, we note that this is one of two applications associated with the Escot Estate that are beginning to encroach into the rural setting of the Talaton Farmhouse. If it is intended to further expand the visitor offer at Escot Park, then consideration should be given to a masterplan. This would assist in forming a robust base line, setting out those areas of sensitivity and those which could present potential development opportunities. By considering the site holistically, greater opportunities to avoid and minimise the potential impact on the various heritage assets could be identified. The council may wish to discuss this further with the applicant.

### Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Rhiannon Rhys  
Inspector of Historic Buildings and Areas

Historic England

18/03/22 - Thank you for your letter of 10 March 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England has provided 2 letters of advice on the proposed change of use (dated 27 August 2021 and 15 February 2022) and this response should be read in conjunction with these earlier letters. Historic England's interest relates to the impact of the development on the significance the grade II\* listed Talaton Farmhouse derives from its setting.

The latest information is a noise impact assessment for the proposed change of use. As previously noted, setting can be affected by changes to our experience of place, this is not only visual but also through other environmental factors such as noise and dust (Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets). Therefore, in review of this new information the council, utilising relevant expertise, should consider how any change in environment could adversely affect the significance Talaton Farmhouse's derives from its rural setting, a key characteristic in its experience of place.

#### Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### Historic England

28/10/22 -

Thank you for your letter of 7 October 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England has provided 3 letters of advice on the proposed change of use (dated 27 August 2021, 15 February and 16 March 2022) and this response should be read in conjunction with these earlier letters. Historic England's interest relates to the impact of the development on the significance the grade II\* listed Talaton Farmhouse derives from its setting.

We wish to reiterate the advice provided in our letter the 16 March 2022. The latest information is a noise impact assessment for the proposed change of use. As previously noted, setting can be affected by changes to our experience of place, this is not only visual but also through other environmental factors such as noise and dust (Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets). Therefore, in review of this new information the council, utilising relevant expertise, should consider how any change in environment could adversely affect the

significance Talaton Farmhouse's derives from its rural setting, a key characteristic in its experience of place.

#### Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### Natural England

25/03/22 - Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 25 August 2021 and 08 February 2022.

The advice provided in our previous response applies equally to these amended plans, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

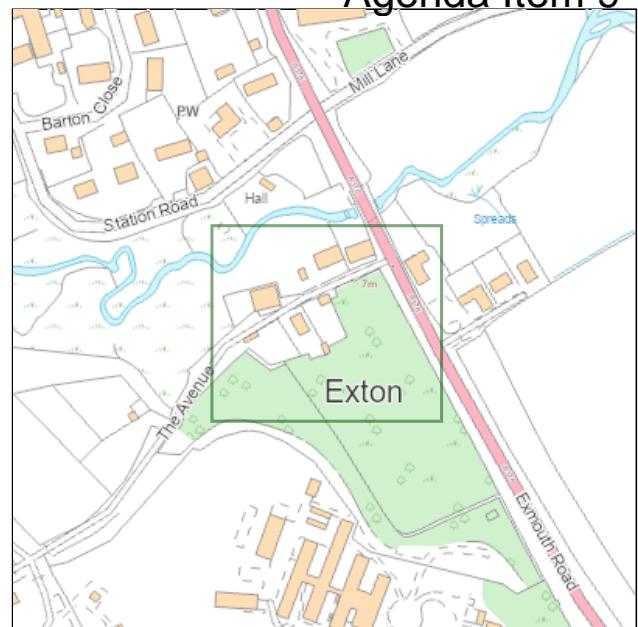
**Ward** Woodbury And Lympstone

**Reference** 25/1942/PIP

**Applicant** Mr John Guyan

**Location** Land South Of Orchard Cottage Exmouth Road  
Exton

**Proposal** Permission in principle for demolition of garage  
and construction of 1no. dwelling.



**RECOMMENDATION:**

1. ADOPT THE APPROPRIATE ASSESSMENT
2. APPROVE PERMISSION IN PRINCIPLE



		<b>Committee Date: 16.12.2025</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>25/1942/PIP</b>	<b>Target Date: 23.10.2025</b>
<b>Applicant:</b>	<b>Mr John Guyan</b>	
<b>Location:</b>	<b>Land South Of Orchard Cottage Exmouth Road</b>	
<b>Proposal:</b>	<b>Permission in principle for demolition of garage and construction of 1no. dwelling.</b>	

#### **RECOMMENDATION:**

- 1. ADOPT THE APPROPRIATE ASSESSMENT.**
- 2. APPROVE PERMISSION IN PRINCIPLE.**

#### **EXECUTIVE SUMMARY**

**This application is before members as the recommendation is contrary to the views of a Local Ward Member and the proposals are a departure from the East Devon Local Plan.**

**This application seeks Permission in Principle (PiP) for the demolition of an existing garage and the construction of one dwelling on land south of Orchard Cottage, Exton. The site lies outside any defined Built-up Area Boundary and within a designated Green Wedge, making the proposal a departure from the East Devon Local Plan. The recommendation is before members because it conflicts with local plan policies and the views of a ward member.**

**The site is a small parcel of previously developed land adjacent to Grade II listed cottages and within close proximity to sustainable transport links, including bus routes, a train station, and cycle paths. While the proposal would add to sporadic development in the Green Wedge, officers consider the harm to its character and the identity of Exton to be limited. Heritage concerns have been raised due to the proximity of listed buildings, but the extent of harm cannot be fully assessed until the Technical Details stage. There is potential for enhancements, such as reinstating historic boundary walls and removing the existing garage, which currently detracts from the setting.**

**Consultations indicate no objection from Natural England (subject to mitigation), Environmental Health, and the County Highway Authority. The Historic Environment Team advises archaeological investigation at the next stage. The**

**MOD has highlighted safeguarding requirements due to the site's location within an explosives safeguarding zone. Woodbury Parish Council supports the application, while a local ward member objects, citing previous refusals and Green Wedge policy.**

**In planning terms, the Council cannot currently demonstrate a five-year housing land supply, engaging the tilted balance under the National Planning Policy Framework (NPPF). The site offers sustainable access to services and would contribute to housing delivery and local vitality. Although there is conflict with Strategies 7 and 8 of the Local Plan, officers conclude that the adverse impacts do not significantly and demonstrably outweigh the benefits. Therefore, the recommendation is to adopt the Appropriate Assessment and approve Permission in Principle.**

## **CONSULTATIONS**

### DCC Historic Environment Officer

The Historic Environment Team has no in principle objection to the development of the area under consideration. However, the proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with the earlier settlement here.

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

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

### Woodbury And Lympstone - Cllr Geoff Jung

25/1942/PIP

I have viewed the documents for the planning application 25/1942/PIP for the proposed permission in principle for demolition of garage and construction a dwelling on land South of Orchard Cottage Exmouth Road Exton

I note that there has been a number of refusals for various planning applications in the past: 13/1749/FUL refusal. 14/1504/FUL refusal. 14/1504/FUL refusal 17/2109/FUL again a refusal.

The general reason for refusal was the development was not in the "built-up area of Exton" and therefore considered in the open countryside. I note that the current local plan and the emerging local plan also puts this application in the protected zone of the Green Wedge. Therefore, as the proposal is in the open countryside and the heavily protected Green Wedge, I cannot support this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### EDDC Trees

Based on Google streetview and aerial images available, the site does not appear to contain any significant trees which are likely to be a constraint to development. Therefore in principle I would not object to the proposal.

#### Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. 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. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

#### Conservation

It is acknowledged three previous planning applications 13/1749/FUL, 14/1504/FUL and 15/0239/FUL have been refused. In addition to a subsequent dismissed appeal, through application 17/2109/FUL. The theme for refusal being the development was not in the "built-up area of Exton" and therefore considered in the open countryside. In context of the setting of the identified heritage assets within the immediate surround, any development on the identified development site, would on account of its proximity to the surrounding heritage asset, have the potential to fail to preserve the setting of the assets and in turn result in a level of less than substantial harm to their significance.

In this respect and without a clear indication on orientation, mass, scale, design and materiality, of the built form the extent of harm to the heritage asset(s) and their setting, cannot be clearly identified at this stage.

In this respect conservation do not wish to offer any further heritage comment. Case Officer to assess on planning merit.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Defence Infrastructure Organisation

The applicant seeks permission in principle for the demolition of and existing garage and construction of 1no. dwelling. At this stage, details of the size and design of the building are not available. A Location Plan for the proposed development has been provided.

The application site occupies the statutory explosives safeguarding zone surrounding Commando Training Centre Royal Marines (CTCRM) Lympstone, lying approximately 45m from the boundary of that training centre.

**Explosives safeguarding zone**

Statutory explosives safeguarding zones are designated around military explosives storage sites, to ensure that development and land uses will be compatible with military explosives licensing requirements. Within these zones, the MOD may object to development proposals or may require that conditions are applied to any planning permission that might be granted.

There are two zones; the inner explosives safeguarding zone, also known as the Inhabited Building Distance (IBD) and outer explosives safeguarding zone, also known as the Vulnerable Building Distance (VBD). The site identified in this application falls within the VBD.

Within the VBD proposed buildings should be of 'non vulnerable' design, specifically, that they are robust and constructed so that should an explosion occur at the MOD storage facility, buildings nearby will not collapse or sustain damage which could cause critical injury to the occupants. In this context, buildings that contain large areas of glass, tall structures (in excess of 3 storeys) and buildings of light weight construction are of particular concern to the MOD.

It is acknowledged that an application for Permission in Principle does not require the submission of specific details of the structure(s) which may ultimately be erected and that such detail would be submitted at the technical details consent stage.

At any technical details consent stage, the MOD will require that structural drawings and details of construction materials for the dwelling are submitted to ascertain whether the introduction of the proposed dwelling would degrade or otherwise impact on the operation and capability of the military explosive's storage area at CTCRM Lympstone. This information will allow the MOD to complete assessments which will determine if the proposed building would withstand the effects from a potential accidental explosion at the munitions store, protecting its occupants from critical injury.

Examples of the information required may include, but not be limited to:

- o Details of the structural form (e.g. timber framed, steel framed, concrete framed, loadbearing masonry, modular);
- o External wall make-up & details (e.g. Masonry cavity wall comprising XXmm thick outer leaf (strength in N/mm<sup>2</sup>, density in kg/m<sup>3</sup>) and XXmm thick inner leaf (strength in N/mm<sup>2</sup>, density in kg/m<sup>3</sup>) with wall ties to normal requirements;
- o Where cladding is to be used, details of the cladding itself as well as the system that would be used to mount it on/secure it to the structure should be provided); spacings of cladding rails;
- o Where portal frames are proposed the distance between centres of the frame elements, the materials specification to be used, details of cladding, any fixing systems, and any additional bracing;
- o Floor specification (e.g. in-situ reinforced concrete, pre-cast concrete, composite, timber joist);
- o Details of roof structure including how it will be fixed to walls or other structural elements (for example timber trussed rafters at XXmm centres);
- o Details of the roof make up & covering (e.g. Concrete / Slate / Other Roof tile on battens) - Lightweight roof coverings are particularly of concern to us (e.g. plastic / synthetic slate) in that they are significantly lighter than more traditional materials;
- o Details of the window frame & glazing specification and glazed balustrade specification;
- o Details of any mezzanines, if to be used.

In summary the MOD has concerns that a building erected on this site has the capacity to be incompatible with the operation and capability of the military explosives storage area at CTCRM Lympstone To address this concern the applicant should be made aware that sufficient information, as detailed above, should be submitted as part of any technical details consent application. The MOD should be consulted at that stage to enable necessary assessments to be completed.

#### Parish/Town Council

Woodbury Parish Council supports this application.

#### Other Representations

None

#### PLANNING HISTORY

Reference	Description	Decision	Date
-----------	-------------	----------	------

15/0239/FUL	Demolition of existing garage and proposed new dwelling and vehicular access	Refusal	25.01.2016
-------------	--	---------	------------

17/2109/FUL	Demolition of existing garage and proposed new dwelling and access	Refusal	01.11.2017
-------------	--	---------	------------

## **POLICIES**

### East Devon Local Plan 2013 – 2031

Strategy 7 (Development in the Countryside)  
Strategy 8 (Development in Green Wedges)  
Policy D1 (Design and Local Distinctiveness)  
Policy D2 (Landscape Requirements)  
Policy D3 (Trees and Development Sites)  
Policy EN5 (Wildlife Habitats and Features)  
Policy EN9 (Development Affecting a Designated Heritage)  
Policy TC2 (Accessibility of New Development)  
Policy TC7 (Adequacy of Road Network and Site Access)  
Policy TC9 (Parking Provision in New Development)

### Woodbury Neighbourhood Plan

Woodbury Parish Council (as the 'Qualifying Body') have prepared and submitted a neighbourhood plan for the parish of Woodbury. At the time of publication of this report public consultation of the Regulation 16 version of the Neighbourhood Plan shall have finished (27<sup>th</sup> November). The draft policies within can therefore not be attributed any weight.

### Emerging East Devon Local Plan (Reg 19)

SP1 – Sustainable Development Principles  
SP2 – Settlement Hierarchy  
SP3 – Development in the Countryside  
H1 – Housing Mix and Density  
D1 – Design and Local Distinctiveness  
D2 – Landscape and Green Infrastructure  
EN2 – Biodiversity and Habitats  
EN6 – Heritage Assets  
EN8 – Green Wedges  
T1 – Sustainable Transport  
T2 – Parking Standards  
INF3 – Defence and Safety Zones

### National Planning Policy Framework

### Planning Practice Guidance

## **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. It is a two stage process, the first being the PiP stage and the second the technical details consent (TDC) stage. The PiP route can only be used for housing-led development and cannot be used for major development (i.e. proposals for 10 or more dwellings).

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

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

### **Site Location and Description**

The site comprises a mainly vacant plot of land around 0.04 hectares in area located between the southern edge of Exton and the Commando Training Centre. More specifically it is positioned on the southern side of The Avenue, an unclassified private cul de sac of mostly single vehicle width with no footways that extends west off the A376 and presently serves a loosely knit area of sporadic development comprising five residential properties and as an emergency access to and from the training camp. Four of these - Brook Cottage, Christmas Cottage, Woodend Cottage and Orchard Cottage - are listed Grade II.

Orchard Cottage is located immediately to the west of the site and itself occupies a plot of comparable area and configuration to it. A disused garage occupies the north eastern corner of the site with access to it available from The Avenue. The remainder of the road frontage boundary comprises a timber fence.

The site, which falls gently from south to north, lies within an area of countryside between the edge of Exton and the training camp that is designated as Green Wedge.

### **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 application site is located just south of Exton, a settlement that has not been allocated a Built-up Area Boundary in the current Local Plan or accompanying Villages Plan (Strategy 27). Accordingly, there are no policies within the adopted East Devon Local Plan that would support the construction of a single dwelling at the site and therefore the proposals are a departure from the development framework.

### **Accessibility of Site to nearby Services and Facilities**

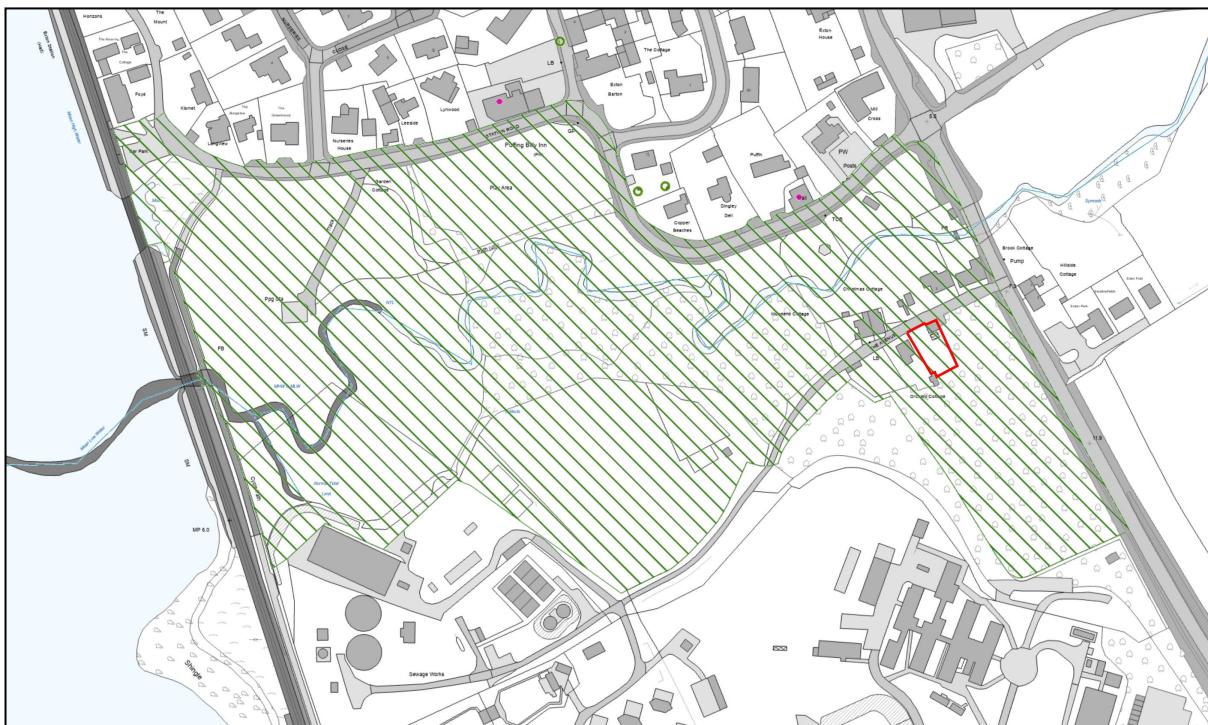
The site is located within close proximity of a bus route and a bus stop on the main A376 Exmouth Road to the east. The site is also relatively close to Exton train station and the Exe Estuary Cycle Trail. There is also a village hall, church and pub within walking distance from the application site, the route along Exmouth Road and Station Road is served by dedicated pavements and street lighting. Further afield, within the northernmost part of the village, there is also a service station located on Exmouth Road. As such, with regards to the provisions of Policy TC2 (Accessibility of New Development), the site is regarded as being reasonably sustainably located in regard to its access to public transport options.

In considering an appeal against the Council's refusal of planning permission for the construction of a single dwelling at the application site (APP/U1105/W/18/3196758), Inspector Powis considered the location of the site. At paragraph 16 they comment on the '*unusually good access to a range of non-car options for travel to nearby villages, larger local centres and onwards to national networks.*' Then at paragraph 18 '*whilst the development would inevitably generate some car journeys, future occupiers of the dwelling would have real opportunities to travel by non-car modes for commuting or making day-to-day trips to retail and community facilities. It would also have the potential to support services in nearby villages as well as Exton, helping to maintain the vitality of these rural communities. As a result, I do not consider the site to be remote from essential facilities*'

As with the inspector in the former appeal decision, officer consider that the proposal is in accordance with Strategy 5b (Sustainable Transport) of the Local Plan which 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. The development is also considered in accordance with 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.

## **Impact on the Green Wedge**

The application site falls within a Green Wedge as defined by Strategy 6 (Development in Green Wedges) of the East Devon Local Plan. The main objective of this policy is to prevent sporadic development and settlement coalescence. Below is an aerial image that shows the position of the application site (red edging) within the Green Wedge (green hatching).



The Avenue and the application site are physically separate from the built form of Exton which is intersected by a watercourse that runs from the Exe Estuary towards Woodbury. It follows that construction of a single dwelling at the application site would add to the sporadic character of the cluster of properties along The Avenue.

However, given the presence of substantial vegetation which runs parallel to Exmouth Road and either side of the watercourse to the north, public views of the site are limited to those at the junction to the east. While details regarding layout, scale and design are reserved for later consideration, a single dwelling at the site is unlikely to give rise to wider landscape harm.

Additionally, officers are also mindful that the site is previously developed land and given the proximity of adjacent heritage assets, any development shall need to be carefully considered if to be found acceptable. A measured approach shall be required at Technical Details Stage to ensure the development is appropriately sited and is of a scale and form that is sympathetic to the character of the lane, heritage assets. This shall likely require the proposal to be sited at the northern end of the site accordingly the magnitude of change at the application site would naturally be limited in order to respond to these constraints.

As such, given the above, the development would add to the extent of sporadic development within the Green Wedge and therefore conflict with Strategy 6 is identified. However, when assessing the provisions of Strategy 6, the proposal is not considered to harm the identity of Exton or contribute to settlement coalescence.

### **Impact on the Significance of nearby Heritage Assets**

The site lies immediately to the east of Orchard Cottage and opposite a pair of cottages; Woodend and Christmas Cottages (all grade II listed). The character of the site is quite vernacular with simple thatched cottages set within a narrow intimate lane.

The site was previously enclosed from the lane by a cob wall that has now collapsed. The existing garage on the site is an unattractive suburban structure with wide up-and-over door.

The application has been reviewed by the Council's Conservation Officer. In terms of the level of harm that residential development of the site would have on the significance of adjacent heritage assets the following comments are made;

*'In context of the setting of the identified heritage assets within the immediate surround, any development on the identified development site, would on account of its proximity to the surrounding heritage asset, have the potential to fail to preserve the setting of the assets and in turn result in a level of less than substantial harm to their significance.'*

*'In this respect and without a clear indication on orientation, mass, scale, design and materiality, of the built form the extent of harm to the heritage asset(s) and their setting, cannot be clearly identified at this stage.'*

Given that details concerning the scale, form and layout are all reserved for later consideration it is not known at this stage the extent of less than substantial harm that would be caused. In terms of the balancing act required by paragraph 215 of the National Planning Practice Guidance and Policy EN9 (Development Affecting a Designated Heritage Asset) the less than substantial harm would need to be balanced against the public benefits.

Some minor and short term public benefits shall be generated during to construction phase for local trades. Additionally, given that the proposals would involve removal of the existing garage, which negatively impacts the setting of Orchard Cottage, some enhancement to its setting is achievable. There is also scope for the proposals to reinstate the former stone boundary wall and provide a scheme that provides further enhancements to setting and thereby significance of Orchard Cottage, Woodend and Christmas Cottages. This would also be considered a public benefit.

Furthermore, the proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard

Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with the earlier settlement here. As such, if permission is to be granted then any TDC application shall need to be supported by a Written Scheme of Investigative works.

Overall, officers are satisfied that whilst residential development may result in a degree of less than substantial harm, the true extent of this is not possible to quantify at this stage. Additionally, some public benefits are inevitable and further enhancements are a real possibility to achieve at Technical Details Stage. Accordingly, no conflict is identified with Policy EN9 or paragraph 215. If permission is to be granted these policies shall be revisited at Technical Details Stage.

### **Impact on Highway Safety**

The application site has sufficient space to provide ample parking and turning to ensure any private vehicles can exit onto The Avenue in a forward gear. The lane serves five properties and is narrow with limited opportunities for passing. However, the site itself is in close proximity to the junction and therefore prospective occupants would not have to travel far when existing or returning via car.

Exmouth Road (A376) is a busy thoroughfare and this was evident during an officer site visit where a constant stream of traffic was observed in both directions. Notwithstanding this, traffic approaching Exton from the south noticeably slows when approaching the village, there are 30mph signs approximately 60 metres from where the Avenue meets Exmouth Road. There is a good level of visibility for traffic exiting the Avenue onto the A376 in both directions to observe oncoming traffic, cyclists and pedestrians. Whilst there is mature vegetation either side of the junction, this was observed to be well maintained and not obstructing line of site for existing traffic or use of the cycle path.

The application has not prompted an objection from the County Highway Authority who on previous applications concerning residential development of the site have stated that the proposals fall under 'standing advice'. Furthermore, this was not an issue raised by the case officer or the inspector in determining 17/2109/FUL.

The lane is also owned by the Ministry of Defence (MOD) who use the lane which is a designated emergency route to and from the nearby camp. The lane is required to always be free of any obstruction. As such, a Construction Management Plan shall be required at TDC to demonstrate this.

Overall, no objections are raised on highway safety grounds, the application is considered to be in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon 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.

### **Matters that shall be considered at Technical Details Stage**

The following matters shall be considered at Technical Details Stage either through the submission of information at that stage or through applying conditions.

- Design, scale form and layout of the dwelling including outdoor amenity areas and parking.

- Ecological Impact – The application shall be required to submit a protected species report and a Biodiversity Net Gain Metric.
- Surface Water Attenuation details.
- Foul Drainage details.
- Landscaping.
- Heritage impact informed by a heritage appraisal.
- The application site occupies the statutory explosives safeguarding zone surrounding Commando Training Centre Royal Marines (CTCRM) Lympstone, lying approximately 45m from the boundary of that training centre. Construction details shall be considered by the MOD at TDC.

## **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 3.5 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 the former planning application and appeal was considered by the planning inspectorate.

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.*

The 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.

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.

Officers consider the application site to be well served by a range of sustainable forms of travel modes to access services, facilities and employment. The construction of a dwelling shall provide short term economic benefits and, once occupied, shall support the vitality of Exton and other nearby settlements. Furthermore the NPPF supports redevelopment of Previously Developed Land to meet the need for homes at paragraph 124.

Conversely, harm has been identified to the Green Wedge. The proposals would add to the sporadic character of the Avenue which is physically separate to the built form of Exton (and Lymptstone) and this is contrary to the first objective of Strategy 8. However, for the reasons already given within the report, the level of harm to the Green Wedge and individual identity of Exton is deemed low.

When considering the benefits of the proposals in context of the 'tilted balance' and the wording of paragraph 11 d), ii), the adverse harm to the Green Wedge would not **significantly and demonstrably** outweigh the benefits. Accordingly, despite the identified conflict with Strategy 7 and 8 of the adopted Local Plan, it is the view of officers that permission in principle should be granted.

## **RECOMMENDATION**

- 1. ADOPT THE APPROPRIATE ASSESSMENT.**
- 2. APPROVE PERMISSION IN PRINCIPLE.**

### Plans relating to this application:

Location Plan 18.09.25

### 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.

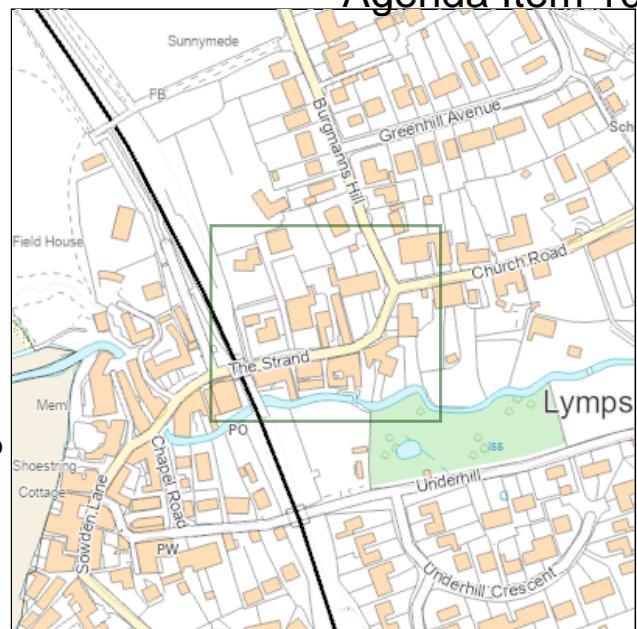
**Ward** Woodbury And Lympstone

**Reference** 25/2039/LBC

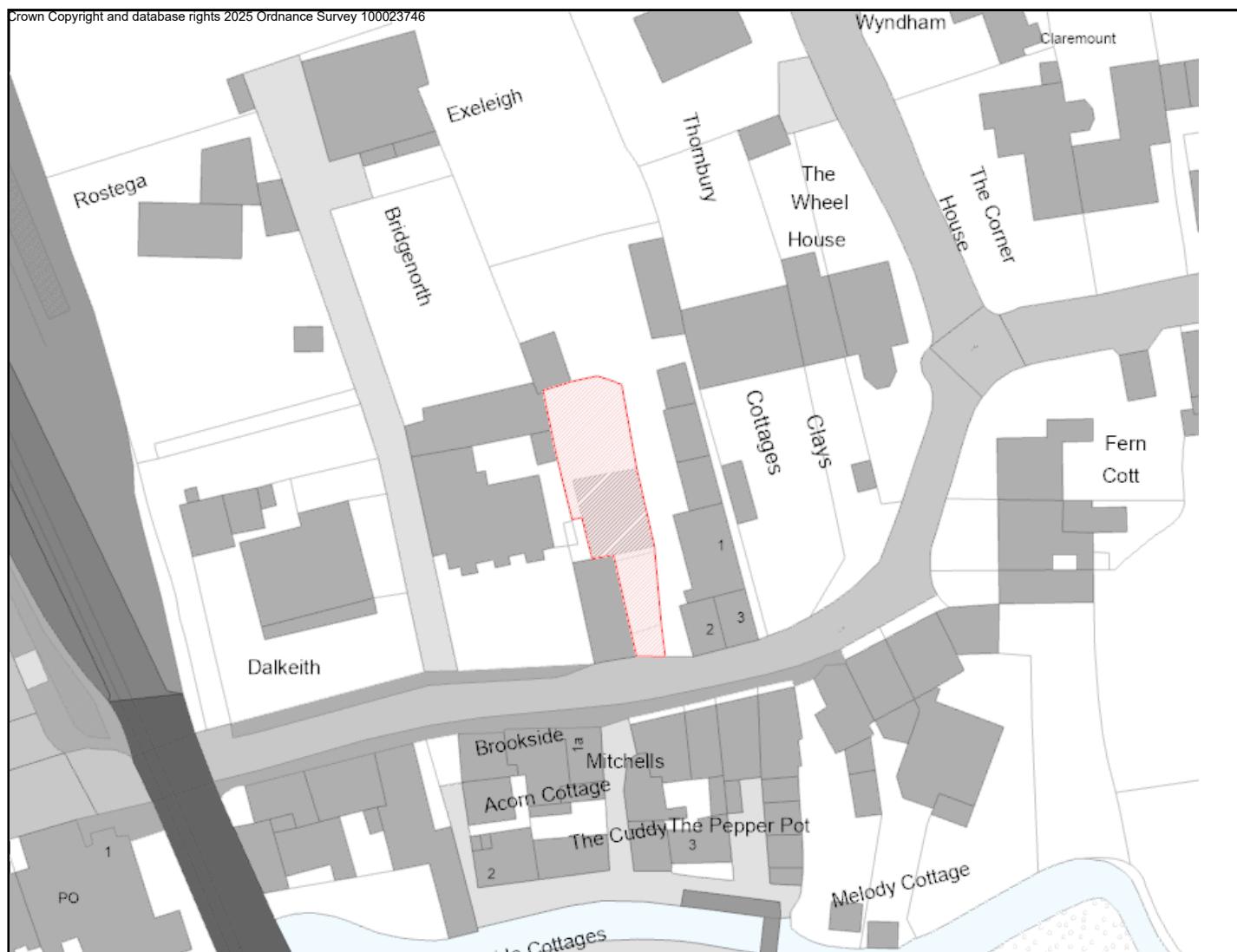
**Applicant** Mrs J Young

**Location** Jasmine Cottage The Strand Lympstone Exmouth EX8 5JR

**Proposal** Replace existing passageway roof and install 3no. rooflights; construct wall at end of passageway and insert 1no. window on north elevation; removal of partition walls in utility and construct new partition wall and door opening to create wet room; create level floor across the passageway; install double doors in existing opening between dining and lounge to create bedroom



### RECOMMENDATION: Approval with conditions



		<b>Committee Date: 16.12.2025</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>25/2039/LBC</b>	<b>Target Date: 28.11.2025 (EOT requested)</b>
<b>Applicant:</b>	<b>Mrs J Young</b>	
<b>Location:</b>	<b>Jasmine Cottage, The Strand, Lympstone, Exmouth EX8 5JR</b>	
<b>Proposal:</b>	<b>Replace existing passageway roof and install 3no. rooflights; construct wall at end of passageway and insert 1no. window on north elevation; removal of partition walls in utility and construct new partition wall and door opening to create wet room; create level floor across the passageway; install double doors in existing opening between dining and lounge to create bedroom.</b>	

**RECOMMENDATION: Approve with conditions**

**EXECUTIVE SUMMARY**

**The application is put before members of the planning committee as the applicant is a close relative of a Member of East Devon District Council.**

**The application seeks listed building consent for works that have been previously approved at Committee in August 2017 and December 2020.**

**The alterations are relatively minor to provide a ground floor wet room and bedroom and will have no harmful impact on the character, appearance and significance of the listed building.**

**Subject to the proposed conditions the works are considered acceptable.**

**The site is located within the Lympstone Conservation Area.**

## **CONSULTATIONS**

### **Local Consultations**

Ward Member(s) – Cllr Jung: Support, however reserve final views on this application until in full possession of all the relevant arguments for and against.

### **Parish/Town Council**

Support.

### **Other Representations**

No third-party representations were received.

## **PLANNING HISTORY**

20/1531/LBC - Replace existing passageway roof and install 3no. rooflights; construct wall at end of passageway and insert 1no. window on north elevation; removal of partition walls in utility and construct new partition wall and door opening to create wet room; create level floor across the passageway; install double doors in existing opening between dining and lounge to create bedroom – Approved with conditions.

17/1246/LBC - Internal alterations to existing utility to create wet room on ground floor: works to include the removal of partition walls in utility, construct new partition wall and door opening, raise floor. Install double doors between dining room and lounge to create a bedroom at ground floor. Infill wall at North end of utility passageway and insert window in wet room North elevation, replace roof and install 3 no. Conservation rooflights – Approved with conditions.

## **POLICIES**

National Planning Policy Framework (December 2024, as amended)

### **Local Plan 2013-2031**

Policy EN9 – Development Affecting a Designated Heritage Asset.

Policy EN8 - Significance of Heritage Assets and their setting.

Lympstone Conservation Area Appraisal

### **Draft East Devon Local Plan (2020 – 2042) - Emerging**

Policy HE01 – Historic Environment

Policy HE02 – Listed Buildings

Policy HE03 – Conservation Areas

### **Neighbourhood Plan:**

Lympstone Neighbourhood Plan

## **Site Location and Description**

Jasmine Cottage is a Grade II listed mid C19 cottage, possibly incorporating earlier work and constructed in random rubble sandstone and limestone with a hipped slate roof with red ridge tiles. Internally, it had a single-depth one-room plan with a rear outshot. The property is set back from the main street, The Strand, and is fronted by a small garden area. The utility room is at the rear of the building to the side of the outshot.

Within the immediate vicinity of the cottage are three other Grade II listed buildings: Bridgethorpe House adjacent to the west, and 2 Clay Cottages and Farleys to the south-west and adjacent to the front garden. The building lies within the Lympstone Conservation Area.

## **ASSESSMENT**

The application comprises of two main elements:

### *Alterations to outbuilding and passage*

The existing space includes an outbuilding at the rear of the house adjacent to the outshot, which is used as a utility room and store. Between them is an outdoor passage covered with a polycarbonate roof. The proposal is to convert these spaces into a shower/wet room and utility room by removing a modern blockwork wall, infilling the end (north) wall and installing a timber window, constructing a new roof covered in reclaimed Roman tiles, installing conservation rooflights over the passageway, and levelling the floors. This will allow the applicant to adapt the space to meet their long-term needs by providing a ground floor shower/wet room.

The proposed alterations are minor and will cause no harm to the significance of the listed building as no historic fabric is removed or altered. The conversion will slightly enhance the character of the listed building by introducing a traditional roof covering and improving the external appearance of the rear elevation.

### *Internal alterations*

It is proposed to infill an existing opening between the ground floor lounge and dining room, with the installation of a set of timber double doors, to create a ground floor bedroom. This will enable the applicant to access facilities without having to climb the original steep staircase to the first floor. There will be no removal of historic fabric and could easily be reversed if required, and there is no impact on the significance of the listed building.

There is no impact on the setting of the surrounding listed buildings or the character of the conservation area. Subject to the conditions below the works are acceptable.

## **Conclusion**

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving and or enhancing the historic and architectural interest of the Grade II listed Jasmine Cottage. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 212 of the National Planning Policy Framework (December 2024 as amended) explains that great weight should be given to the conservation of designated heritage assets, and Paragraph 213 requires any harm or loss of significance to require clear and convincing justification.

Policy EN8 of the Local Plan requires alterations to listed buildings to be carried out with the greatest skill and care so that changes are not detrimental to the special architectural and historic interest of the building.

Policy HE01 of the emerging Local Plan 2020-2042 (Regulation 19 Publication Draft February 2025) requires new development to take account of the desirability of sustaining and enhancing the significance of affected heritage assets.

HE02 expects development proposals that involve any alteration, addition to, or partial demolition of a listed building to conserve, enhance or better reveal those elements which contribute to the heritage significance, respect any features of special architectural or historic interest, and be sympathetic to the listed building.

The proposed works at Jasmine Cottage preserve the significance of this listed building and slightly enhances the character of the rear of the building. There is no harm to the significance or character of the building.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works 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. Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-

- a) to strengthen any wall or vertical surface;
- b) to support any wall, roof or horizontal surface; and
- c) to provide protection for the building against the weather during the progress of the works.

Details of any additional necessary repairs required as a result of the works, including methodology, specification or schedule shall be submitted to and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

4. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Roofing materials including product details, sample and method of fixing.
- Size, type and manufacturers model of all roof lights, including method of flashing.
- New rainwater goods including profiles, materials and finishes.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour.

Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Eaves and verge details including construction and finishes.
- External vents, flues
- Type of render including proportions of mix, method of application and finish.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

5. Where partitions are to be removed in accordance with the approved works, the work shall be made good to match the original.

(Reason - To safeguard the architectural and historic character of the building in accordance Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

6. Where new partitions are constructed in accordance with the approved works, they shall be scribed around (not cut into) existing cornices, skirtings or other features.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

#### 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 listed building concerns. However, in this case the application was deemed acceptable as submitted.

##### Plans relating to this application:

	Location Plan	03.10.2025
	Block Plan	03.10.2025
	Photos	03.10.2025
TW17/09/01	Existing Floor Plan	03.10.2025
TW17/09/03	Existing Elevation	03.10.2025
TW17/09/02	Existing Section	03.10.2025
TW17/09/04	Proposed Plan, Section and Elevation	03.10.2025

##### List of Background Papers

Application form, Design and Access Statement, 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.