

**Agenda for Planning Committee  
Tuesday, 24th February, 2026, 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, S Hunt, Y Levine,  
S Smith and E Wragg (Vice-Chair)

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)**

**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, 13 February 2026

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, 17 February 2026 up until 12 noon on Friday, 20 February 2026 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** (Pages 4 - 5)

The speakers' list for the applications will be published on Friday, 20 February.

2 **Minutes of the previous meeting** (Pages 6 - 10)

Minutes of the Planning Committee meeting held on 9 February 2026.

3 **Apologies**

4 **Declarations of interest**

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

5 **Matters of urgency**

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

6 **Confidential/exempt item(s)**

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

7 **Planning appeal statistics** (Pages 11 - 28)

Update from the Development Manager

### **Applications for Determination**

8 **25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106 (Other)  
DUNKESWELL & OTTERHEAD** (Pages 29 - 68)

Dunkeswell Raceway, Dunkeswell, EX14 4AH.

9 **25/0368/MFUL (Major) WEST HILL & AYLESBEARE** (Pages 69 - 107)

Rosamondford Farm, Perkins Village, Devon, EX5 2JG.

10 **25/2125/VAR (Other) BUDLEIGH & RALEIGH** (Pages 108 - 118)

Toilets, Salting Hill, Budleigh Salterton.

**The following applications will not be considered before 1.30pm**

- 11 **25/2209/FUL (Minor) WEST HILL & AYLESBEARE** (Pages 119 - 140)  
Land adjoining White Farm Lane, West Hill, Ottery St Mary.
- 12 **23/2740/OUT (Minor) EXMOUTH HALSDON** (Pages 141 - 183)  
Land south of Courtlands Lane, Exmouth.

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

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

[Decision making and equalities](#)

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

**Speakers registered for the planning applications and updated running order for the afternoon session**

<b>Agenda item 8</b> <b>Application numbers: 25/0382/VAR, 25/0383/VAR, 25/0384/VAR &amp; 25/0944/V106 (Other) Pages 29 - 68</b> <b>Ward: Dunkeswell &amp; Otterhead</b> <b>Address: Dunkeswell Raceway, Dunkeswell, EX14 4AH</b> <b>Ward Members: Councillor Coline Brown / Councillor Yehudi Levine</b>	
<b>Objectors</b>	Peter Hill
	Caroline Clark
	David Dow
	Karen Hill
	Peter Clark
<b>Supporters</b>	Phil Wardman
	Rob Scurlock
<b>Town/Parish Council</b>	Meyric Lewis (speaking on behalf of Sheldon Parish Meeting)
<b>Agent</b>	Iestyn John Tel: 01392 539721

<b>Agenda item 9</b> <b>Application number: 25/0368/MFUL (Major) Pages 195 - 212</b> <b>Ward: West Hill &amp; Aylesbeare</b> <b>Address: Rosamondford Farm, Perkins Village, Devon, EX5 2JG.</b> <b>Ward Member: Councillor Jess Bailey</b>	
<b>Agent</b>	Malcolm Gigg
<b>Ward Member</b>	Councillor Jess Bailey

<b>Agenda item 10</b> <b>Application number: 25/2125/VAR (Other) Pages 213 - 290</b> <b>Ward: Budleigh &amp; Raleigh</b> <b>Address: Toilets, Salting Hill, Budleigh Salterton</b> <b>Ward Members: Councillor Charlotte Fitzgerald / Councillor Melanie Martin / Councillor Henry Riddell</b>	
<b>Ward Member</b>	Councillor Geoff Jung (Portfolio Holder)

THE FOLLOWING APPLICATIONS WILL **NOT** BE CONSIDERED BEFORE 1.30PM

<b>Agenda item 12</b> <b>Application number: 23/2740/OUT (Minor) Pages 291 - 318</b> <b>Ward: Exmouth Halsdon</b> <b>Address: Land south of Courtlands Lane, Exmouth</b> <b>Ward Member: Councillor Tim Dumper / Councillor Fran McElhone / Councillor Daniel Wilson</b>	
<b>Objector</b>	Andrew McAusland
	Sara Edwards
<b>Agent</b>	Dan Rogers Tel: 07946 202 678
<b>Adjoining Ward Member</b>	Councillor Geoff Jung
<b>Ward Member</b>	Councillor Tim Dumper

<b>Agenda item 11</b> <b>Application number: 25/2209/FUL (Minor) Pages 319 - 328</b> <b>Ward: West Hill &amp; Aylesbeare</b> <b>Address: Land adjoining White Farm Lane, West Hill, Ottery St Mary</b> <b>Ward Member: Councillor Jess Bailey</b>	
<b>Objector</b>	Brian Cooper
	Ann Cooper
<b>Town/Parish Council</b>	Representative for West Hill Parish Council
<b>Agent</b>	Keegan Ferreday Tel: 01392 247025
<b>Ward Member</b>	Councillor Jess Bailey

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 9 February 2026****Attendance list at end of document**

The meeting started at 10.00 am and ended at 4.10 pm

**65 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 December 2025 were agreed as a true and accurate record.

**66 Declarations of interest**

Minute 73. 25/1788/MOUT (Major) SEATON and Minute 75. 25/2165/FUL (Minor) TRINITY

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 these applications.

**67 Matters of urgency**

There were no matters of urgency.

**68 Confidential/exempt item(s)**

There was one confidential item recorded under minute 77.

**69 Planning appeal statistics**

The Committee noted the appeal statistics report and received three post-publication updates, all concerning dismissed appeals dealt with by public inquiry in relation to enforcement notices.

The first inquiry concerned application 22/F0373 regarding land at Huntsland Farm, Pinhoe, for the residential use of agricultural land. The second concerned application 24/F0114 for the retention of the NHS Drive-Through Vaccination Centre building at Greendale Farm, Farringdon, with the Inspector confirming that the building must be removed within three months. The third inquiry, related to application 22/F0379 and held jointly with application 24/F0114, concerned the removal of an unauthorised building on land adjacent to the existing NHS Vaccination Centre.

**70 25/1060/MOUT (Major) FENITON****Applicant:**

South West Strategic Developments Ltd.

**Location:**

Land north of Beechwood Farm, Green Lane, Feniton.

**Proposal:**

Construction of up to 60 dwellings (including affordable), provision of public open space (including dedicated ecological areas) and drainage and ancillary works (outline application with all matters reserved except for access.)

**RESOLVED:**

1. The Appropriate Assessment be adopted.
2. Approved in accordance with officer recommendation subject to completion of a S106 Agreement with amended heads of terms and a revised lists of conditions as presented by the planning officer including:
  - (i) Condition 13 to be amended to include a requirement to provide water butts of a minimum size of 110 litres per bedroom.

71 **24/0841/MFUL (Major) HONITON ST PAULS**

**Applicant:**

Honiton Town Community Football & Sports Association.

**Location:**

Land west of Tower Road and east of Cuckoo Down Lane, Honiton.

**Proposal:**

Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works.

**This application was deferred to a later date.**

72 **25/1820/FUL (Minor) SEATON**

**Applicant:**

Mr Jorge Pineda-Langford (EDDC)

**Location:**

Toilets, West Walk, Castle Hill, Seaton, EX12 2QW.

**Proposal:**

Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL).

**RESOLVED:**

Approved in accordance with officer recommendation subject to amendment to Condition 3 to read as follows:

“Within two months of the date of permission hereby granted, further details of the heavy duty netting, indicated on approved drawing numbers DR-A-3001 rev.C05 and DR-A-2002 rev. C07 and to be used to deter access to the rear/roof of the building, shall have been submitted to the Local Planning Authority for their approval in writing. Such details shall include materials (which shall not be plastic), colour, finish and method of securing the netting (and where so required a sample). Development shall then be carried out in accordance with the approved details and shall be completed within three months of the date of approval of the details, unless any alternative timescale has first been agreed in writing by the Local Planning Authority.”

**Reason:**

In the interests of the character and appearance of the area and in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.

73 **25/1788/MOUT (Major) SEATON**

**Applicant:**

Baker Estates Limited.

**Location:**

Land to the south of Harepath Hill, Seaton.

**Proposal:**

Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure.

**RESOLVED:**

1. The Shadow Habitat Regulations Assessment be adopted as EDDC's Appropriate Assessment.
2. Approved in accordance with officer recommendation subject to completion of S106 Agreement and;
  - (i) Additional phasing condition as presented by the officer.
  - (ii) Amend Condition 2 to add 'for each phase' at the end of the last sentence.
  - (iii) Additional condition to require a water conservation strategy that will include the provision of water butts with a minimum capacity of 110 litres per bedroom.

74 **25/1601/OUT (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

Mr Anthony.

**Location:**

Car park, land south of Underhill Close, Lympstone.

**Proposal:**

Outline application for the erection of three detached dwellings (all matters reserved).

**RESOLVED:**

Approved in accordance with officer recommendation subject to an additional condition to require evidence that there is adequate capacity in the foul drainage system to accommodate these additional dwellings. If capacity cannot be evidenced then no dwelling shall be occupied until any identified system upgrades have been completed.

75 **25/2165/FUL (Minor) TRINITY**

**Applicant:**

Mrs R Boser.

**Location:**

Ware Farm Manor, Ware, Lyme Regis, DT7 3RH.

**Proposal:**

Installation of one door on north elevation and galvanised anti-chew bars/lining to stable doors (retrospective).

**RESOLVED:**

Approved in accordance with officer recommendation.

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

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

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

Members received a verbal update on a planning appeal.

**RESOLVED:**

That the Planning Committee note the verbal update.

**Attendance List**

**Councillors present:**

I Barlow  
C Brown  
O Davey (Chair)  
M Howe  
S Hughes  
S Hunt  
Y Levine  
S Smith  
E Wragg (Vice-Chair)

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

R Collins  
P Faithfull  
G Jung  
S Westerman

**Officers in attendance:**

Jeremy Ebdon, Principal Planning Officer (East)  
Ed Freeman, Assistant Director Planning Strategy and Development Services  
Jill Himsworth, Planning Officer  
Damian Hunter, Planning Solicitor  
Sarah James, Democratic Services Officer  
Andrew Melhuish, Democratic Services Manager  
Wendy Ormsby, Development Manager  
Gareth Stephenson, Principal Planning Officer

**Councillor apologies:**

B Bailey  
K Bloxham  
S Chamberlain  
B Collins  
S Gazzard  
J Heath

Chairman .....

Date: .....

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

Agenda Item 7

**Ref:** 25/1284/PIP **Date Received** 12.01.2026  
**Appellant:** A F Freemantle & Son  
**Appeal Site:** Land At Oil Mill Cross Oil Mill Lane Clyst St Mary  
**Proposal:** Permission in principle for the construction of 9 no. new dwellings  
**Planning** 6003514  
**Inspectorate Ref:**

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**Ref:** 25/1272/PIP **Date Received** 12.01.2026  
**Appellant:** Mr Stephen Hartwell  
**Appeal Site:** The Nook Brooklands Cross Newton Poppleford EX10 0BY  
**Proposal:** Permission in Principle for construction 1no. new dwelling  
**Planning** 6003523  
**Inspectorate Ref:**

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**Ref:** 25/0106/FUL **Date Received** 16.01.2026  
**Appellant:** Mrs Kelly Potter  
**Appeal Site:** 87 Peaslands Road Sidmouth Devon EX10 8XD  
**Proposal:** Construction of Shed in front garden (retrospective).  
**Planning** 6003757  
**Inspectorate Ref:**

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**Ref:** 25/1588/FUL **Date Received** 16.01.2026  
**Appellant:** Mr Graeme Fraser  
**Appeal Site:** Coombe Dairy Annexe Exe View Road Lympstone Exmouth EX8 5AZ  
**Proposal:** Unrestricted use as dwellinghouse  
**Planning** 6003751  
**Inspectorate Ref:**

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**Ref:** 25/1349/PDQ **Date Received** 20.01.2026  
**Appellant:** Mr P Moore  
**Appeal Site:** Four Elms Farm Alfington Road Ottery St Mary EX11 1NY  
**Proposal:** Prior approval (Class Q) for the change of use of an agricultural building to 2 no. dwelling (Class C3)  
**Planning** 6003914  
**Inspectorate Ref:**

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**Ref:** 25/1477/FUL **Date Received** 23.01.2026  
**Appellant:** Mr Stephen Luderman  
**Appeal Site:** Land Formerly Devonshire Inn Cottage Upottery Devon EX14 9NE  
**Proposal:** Change of use of agricultural land and siting of mobile home for holiday accommodation purpose  
**Planning** 6004123  
**Inspectorate Ref:**

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**Ref:** 25/0731/MOUT **Date Received** 24.01.2026  
**Appellant:** Mr P Aubery (Tavistock Green Ltd)  
**Appeal Site:** Land At Abbey Road Dunkeswell  
**Proposal:** Outline application for residential development for up to 65 dwellings (all matters reserved except for access)  
**Planning Inspectorate Ref:** APP/U1105/W/26/3377572

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**Ref:** 25/1856/FUL **Date Received** 05.02.2026  
**Appellant:** Dr Hugh McCormick  
**Appeal Site:** 10 Marine Parade Budleigh Salterton Devon EX9 6NS  
**Proposal:** Redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL)  
**Planning Inspectorate Ref:** 6004696

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

**Ref:** 24/2290/FUL                      **Appeal Ref:** 25/00077/REF  
**Appellant:** Will Hallett  
**Appeal Site:** Land adjacent Grove Cottage Shute  
**Proposal:** Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works  
**Decision:** **Appeal Dismissed**    **Date:** 12.01.2026  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal. Conservation, accessibility and landscape reasons upheld (EDLP Policies EN9, TC2, Strategies 5B, 7, 46, emerging LP Policies HE02, HN06, OL02, TR01).  
**BVPI 204:** **Yes**  
**Planning** 6001134  
**Inspectorate Ref:**

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**Ref:** 25/0456/FUL                      **Appeal Ref:** 25/00061/REF  
**Appellant:** Mr Jeff Slade  
**Appeal Site:** Land and Buildings at Barton Farm Village Way Aylesbeare  
**Proposal:** Change of use from agricultural building to 2no. dwellings, including associated works, parking and landscaping  
**Decision:** **Appeal Dismissed**    **Date:** 15.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policies D8, TC2, Strategies 3, 5B, 7). Application for a full award of costs against the Council refused.  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/25/3371346  
**Inspectorate Ref:**

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**Ref:** 25/1102/FUL                      **Appeal Ref:** 25/00082/HH  
**Appellant:** Mr Pincombe  
**Appeal Site:** Longbrook Cottage Longbrook Lane Lypstone Exmouth EX8 5LJ  
**Proposal:** Proposed two storey rear extension and landscaping provision.  
**Decision:** **Appeal Dismissed**    **Date:** 15.01.2026  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning** 6001341  
**Inspectorate Ref:**

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**Ref:** 23/1270/CPE      **Appeal Ref:** 24/00010/LDC  
**Appellant:** Mr and Mrs C M Summers  
**Appeal Site:** The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB  
**Proposal:** Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.  
**Decision:** **Appeal Dismissed**      **Date:** 16.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal. The Council considered that on the balance of probabilities, insufficient evidence has been submitted to demonstrate 4 years continuous use of the building as an independent dwelling. The Inspector agreed that the Council's refusal to grant a certificate of lawful use or development was well-founded.  
**BVPI 204:** **No**  
**Planning** APP/U1105/X/24/3339119  
**Inspectorate Ref:**

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**Ref:** 24/0785/FUL      **Appeal Ref:** 25/00083/REF  
**Appellant:** Mr Stephen Drinkall  
**Appeal Site:** Flat, The York Inn 21 Imperial Road Exmouth EX8 1BY  
**Proposal:** 2no proposed one-bedroom apartments over an existing public house  
**Decision:** **Appeal Dismissed**      **Date:** 19.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, flooding reasons upheld (EDLP Policy EN21).  
**BVPI 204:** **Yes**  
**Planning** 6001345  
**Inspectorate Ref:**

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**Ref:** 25/0606/FUL      **Appeal Ref:** 25/00068/HH  
**Appellant:** Mrs Claire Howarth  
**Appeal Site:** 2 The Orchard Tipton St John Sidmouth EX10 0AZ  
**Proposal:** Alterations to roof to allow for creation of first floor.  
**Decision:** **Appeal Dismissed**      **Date:** 21.01.2026  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity and landscape reasons upheld (EDLP Policy D1, Strategy 46).  
**BVPI 204:** **Yes**  
**Planning** 6000719  
**Inspectorate Ref:**

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**Ref:** 24/F0114 **Appeal Ref:** 25/00030/ENFAPP

**Appellant:** FWS Carter & Sons Ltd  
**Appeal Site:** NHS Drive Through Vaccination Centre Greendale Farm Shop Sidmouth Road Farringdon Exeter

**Proposal:** Appeal against an enforcement notice served in respect of unauthorised operational development consisting of the erection of a building.

**Decision:** **Appeal Dismissed** **Date:** 28.01.2026  
**Procedure:** Inquiry  
**Remarks:** Enforcement Notice upheld with variations.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/25/3365463  
**Inspectorate Ref:**

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**Ref:** 22/F0379 **Appeal Ref:** 25/00031/ENFAPP

**Appellant:** FWS Carter & Sons Ltd  
**Appeal Site:** Land north of Unit 4 Greendale Farm Shop Sidmouth Road Farringdon Exeter EX5 2JU

**Proposal:** Appeal against an enforcement notice served in respect of unauthorised operational development consisting of the erection of a building.

**Decision:** **Appeal Dismissed** **Date:** 28.01.2026  
**Procedure:** Inquiry  
**Remarks:** Enforcement Notice upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/25/3365468  
**Inspectorate Ref:**

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**Ref:** 25/2085/TRE **Appeal Ref:** 25/00092/TRE

**Appellant:** Mr Malcolm Pratt  
**Appeal Site:** 6 Lower Wheathill Sidmouth Devon EX10 9UA

**Proposal:** T2, Monterey pine: Fell and undertake replacement planting scheme

**Decision:** **Appeal Allowed (with conditions)** **Date:** 03.02.2026  
**Procedure:** Fast Track  
**Remarks:** Delegated refusal, amenity reasons overruled.

The Inspector concluded the felling of the pine would have a moderately harmful effect on the visual amenity, character and appearance of the area. There would be conflict with Policies D1 and D3 of the EDLP that seek to retain trees when permission is granted for development. However, the harm arising is reduced, as the loss would be of a single tree, in a well treed area, and the proposed new landscaping plan would meet the Policy D3 requirements for planting.

**BVPI 204:** **No**  
**Planning** APP/TPO/U1105/11019  
**Inspectorate Ref:**

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**Ref:** 25/1834/FUL **Appeal Ref:** 25/00096/HH  
**Appellant:** Mr Malcolm Pratt  
**Appeal Site:** 6 Lower Wheathill Sidmouth Devon EX10 9UA  
**Proposal:** Proposed two storey extension to northeast elevation and two storey extension to northwest (Re-submission of 25/0479/FUL), with the addition of a single storey link and garage extension.  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 03.02.2026  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity reasons overruled (EDLP Policies D1, D3).

The Council's sole reason for refusal of the application relates to the loss of the protected pine.

The Inspector concluded the felling of the pine would have a moderately harmful effect on the visual amenity, character and appearance of the area. There would be conflict with Policies D1 and D3 of the EDLP that seek to retain trees when permission is granted for development. However, the harm arising is reduced, as the loss would be of a single tree, in a well treed area, and the proposed new landscaping plan would meet the Policy D3 requirements for planting.

**BVPI 204:** Yes  
**Planning** 6003191  
**Inspectorate Ref:**

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**Ref:** 25/1422/FUL **Appeal Ref:** 25/00076/HH  
**Appellant:** Mr & Mrs Kirk  
**Appeal Site:** 2 Sidlands Sidmouth Devon EX10 8UE  
**Proposal:** Increase in roof pitch, addition of dormers to the south elevation, roof lights on the north elevation and addition of cladding.  
**Decision:** **Appeal Dismissed** **Date:** 04.02.2026  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1, NP Policy 7).

**BVPI 204:** Yes  
**Planning** 6001019  
**Inspectorate Ref:**

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**Ref:** 25/1001/FUL      **Appeal Ref:** 25/00081/REF  
**Appellant:** Simon and Sue Potter  
**Appeal Site:** Northleigh Farm Northleigh Devon EX24 6BL  
**Proposal:** Proposed conversion of a redundant agricultural building to form 1 no. self-build residential dwelling and associated works  
**Decision:** **Appeal Dismissed**      **Date:** 06.02.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility and habitat conservation reasons upheld (EDLP Policies D8, EN5, TC2, Strategies 5B, 47).  
**BVPI 204:** **Yes**  
**Planning** 6001320  
**Inspectorate Ref:**

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## 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.

**Start Date:** 26 July 2024

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

9 August 2024

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

**Questionnaire Due Date:** 24 March 2025  
**Statement Due Date:** 21 April 2025

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

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

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

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**App.No:** 24/0096/MFUL  
**Appeal Ref:** APP/U1105/W/25/3369854  
**Appellant:** Clearstone Energy  
**Address:** Land south of Hazelhurst Raymonds Hill Axminster  
**Proposal;** Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.  
**Start Date:** 25 July 2025  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 1 August 2025  
**Statement Due Date:** 29 August 2025  
**Inquiry Date:** 10 March 2026

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**App.No:** 25/1295/FUL  
**Appeal Ref:** 6000652  
**Appellant:** Ms C Mostyn  
**Address:** Land Adjacent Fieldside Rhode Lane Uplyme  
**Proposal;** Construction of new dwelling with associated works  
**Start Date:** 10 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 17 September 2025  
**Statement Due Date:** 15 October 2025

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**App.No:** 25/0345/FUL  
**Appeal Ref:** 6000688  
**Appellant:** Juliet Hendry  
**Address:** Greenwell Lodge Woodhouse Hill Uplyme DT7 3SL  
**Proposal;** Change of use (retrospective) of an existing self-contained garden cabin to include holiday accommodation use  
**Start Date:** 16 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 September 2025  
**Statement Due Date:** 21 October 2025

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**App.No:** 25/0468/FUL  
**Appeal Ref:** APP/U1105/W/25/3372790  
**Appellant:** Christine And David Joyce  
**Address:** Woodhouse Farm Stables Hawkchurch EX13 5UF  
**Proposal;** Construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002)  
**Start Date:** 17 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 24 September 2025  
**Statement Due Date:** 22 October 2025

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

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

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

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

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

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

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**App.No:** 25/0057/OUT  
**Appeal Ref:** 6001406  
**Appellant:** Mr Paul Hunt  
**Address:** 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)  
**Start Date:** 6 November 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 November 2025  
**Statement Due Date:** 11 December 2025

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**App.No:** 24/1912/FUL  
**Appeal Ref:** 6001716  
**Appellant:** Mr Constantinou  
**Address:** Maycoes Branscombe Devon EX12 3DN  
**Proposal;** Erection of replacement gabion retaining structure.  
**Start Date:** 18 November 2025  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 25 November 2025

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**App.No:** 25/1187/CPL  
**Appeal Ref:** APP/U1105/X/25/3375504  
**Appellant:** David Hawes  
**Address:** 6 Bakers Cottages Longmeadow Road Lymptone EX8 5LP  
**Proposal;** Certificate of Proposed Lawful Use for an outbuilding to be used for storing garden equipment, tools and as a log store.  
**Start Date:** 1 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 December 2025  
**Statement Due Date:** 12 January 2026

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**App.No:** 25/0809/FUL  
**Appeal Ref:** 6002034  
**Appellant:** Lawrence Arnold  
**Address:** 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  
**Start Date:** 1 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 December 2025  
**Statement Due Date:** 5 January 2026

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**App.No:** 25/0128/FUL  
**Appeal Ref:** APP/U1105/W/25/3375541  
**Appellant:** FWS Carter & Sons Ltd  
**Address:** 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.  
**Start Date:** 2 December 2025  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 9 December 2025  
**Statement Due Date:** 6 January 2026  
**Inquiry Date:** 3 March 2026

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**App.No:** 25/0686/FUL  
**Appeal Ref:** 6002059  
**Appellant:** Mr Richard Morgans  
**Address:** Forge House Wilmington Honiton EX14 9JR  
**Proposal;** Creation of new access, driveway and parking area  
**Start Date:** 2 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 9 December 2025  
**Statement Due Date:** 6 January 2026

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**App.No:** 25/0180/OUT  
**Appeal Ref:** 6002448  
**Appellant:** Mr Paul Gamble  
**Address:** Land South of Knights Lane All Saints EX13 7LS  
**Proposal;** Outline application for proposed self-build dwelling and associated works (All matters reserved)  
**Start Date:** 16 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 December 2025  
**Statement Due Date:** 20 January 2026

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**App.No:** 25/1198/LBC  
**Appeal Ref:** 6002257  
**Appellant:** Mr And Mrs Walker  
**Address:** 1 Ivy Cottages Talaton Exeter EX5 2SD  
**Proposal;** Proposed open fronted porch on front north elevation.  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/0839/FUL  
**Appeal Ref:** 6002857  
**Appellant:** Mr Maddicks  
**Address:** 1 Broad Street Ottery St Mary EX11 1BR  
**Proposal;** Proposed part change of use of ground floor, with shop remaining. Change of use of first floor from offices to two storey dwelling. Revised application of 24/1817/FUL.  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/0509/MOUT  
**Appeal Ref:** 6002860  
**Appellant:** Bloor Homes (Exeter)  
**Address:** Land At Ottery Road Feniton  
**Proposal;** Erection of up to 85 dwellings, a community eco-hut and associated infrastructure (outline) with vehicular access to be determined; all other matters reserved  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/1272/PIP  
**Appeal Ref:** 6003523  
**Appellant:** Mr Stephen Hartwell  
**Address:** The Nook Brooklands Cross Newton Poppleford EX10 0BY  
**Proposal;** Permission in Principle for construction 1no. new dwelling  
**Start Date:** 15 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 22 January 2026  
**Statement Due Date:** 19 February 2026

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**App.No:** 25/1284/PIP  
**Appeal Ref:** 6003514  
**Appellant:** A F Freemantle & Son  
**Address:** Land At Oil Mill Cross Oil Mill Lane Clyst St Mary  
**Proposal;** Permission in principle for the construction of 9 no. new dwellings  
**Start Date:** 20 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 January 2026  
**Statement Due Date:** 24 February 2026

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**App.No:** 24/2650/MFUL  
**Appeal Ref:** 6003095  
**Appellant:** Sky UK Development Ltd  
**Address:** Land At Newlands Farm Crewkerne Road Axminster EX13 5SF  
**Proposal;** Construction and operation of up to an 80MW Battery Energy Storage System (BESS), comprising battery container units; inverter-transformer skid units, electrical substation buildings; substation compound; access roads; water storage tanks; fencing; CCTV; landscaping, and all ancillary grid infrastructure and associated works  
**Start Date:** 21 January 2026  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 28 January 2026  
**Statement Due Date:** 25 February 2026  
**Inquiry Date:** 12 May 2026

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**App.No:** 25/0106/FUL  
**Appeal Ref:** 6003757  
**Appellant:** Mrs Kelly Potter  
**Address:** 87 Peaslands Road Sidmouth Devon EX10 8XD  
**Proposal;** Construction of shed in front garden (retrospective).  
**Start Date:** 21 January 2026  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 26 January 2026  
**Statement Due Date:**

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**App.No:** 25/1588/FUL  
**Appeal Ref:** 6003751  
**Appellant:** Mr Graeme Fraser  
**Address:** Coombe Dairy Annexe Exe View Road Lymstone Exmouth  
EX8 5AZ  
**Proposal;** Unrestricted use as dwellinghouse  
**Start Date:** 22 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 29 January 2026  
**Statement Due Date:** 26 February 2026

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**App.No:** 25/1477/FUL  
**Appeal Ref:** 6004123  
**Appellant:** Mr Stephen Luderman  
**Address:** Land formerly Devonshire Inn Cottage Upottery Devon EX14  
9NE  
**Proposal;** Change of use of agricultural land and siting of mobile home  
for holiday accommodation purpose  
**Start Date:** 27 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 3 February 2026  
**Statement Due Date:** 3 March 2026

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**App.No:** 25/1349/PDQ  
**Appeal Ref:** 6003914  
**Appellant:** Mr P Moore  
**Address:** Four Elms Farm Alfington Road Ottery St Mary EX11 1NY  
**Proposal;** Prior approval (Class Q) for the change of use of an  
agricultural building to 2 no. dwelling (Class C3)  
**Start Date:** 3 February 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 10 February 2026  
**Statement Due Date:** 10 March 2026

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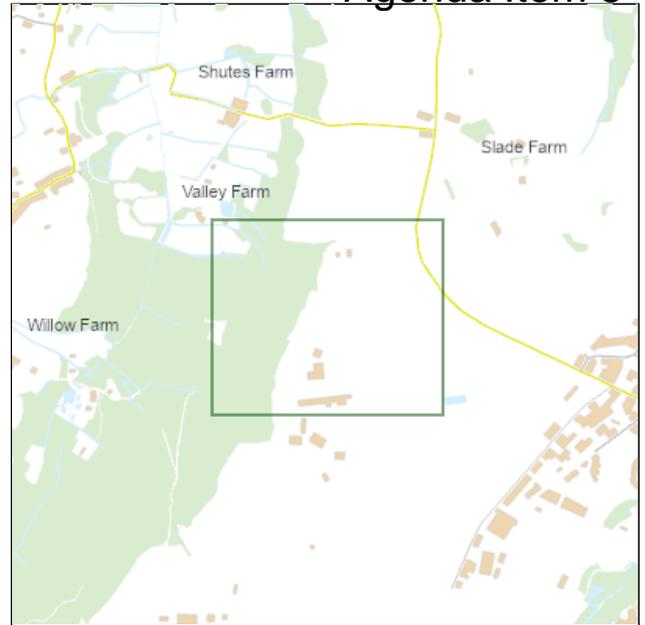
**Ward** Dunkeswell And Otterhead

**Reference** 25/0382/VAR  
25/0383/VAR  
25/0384/VAR and  
25/0944/V106

**Applicant** Dunkeswell Raceway Limited

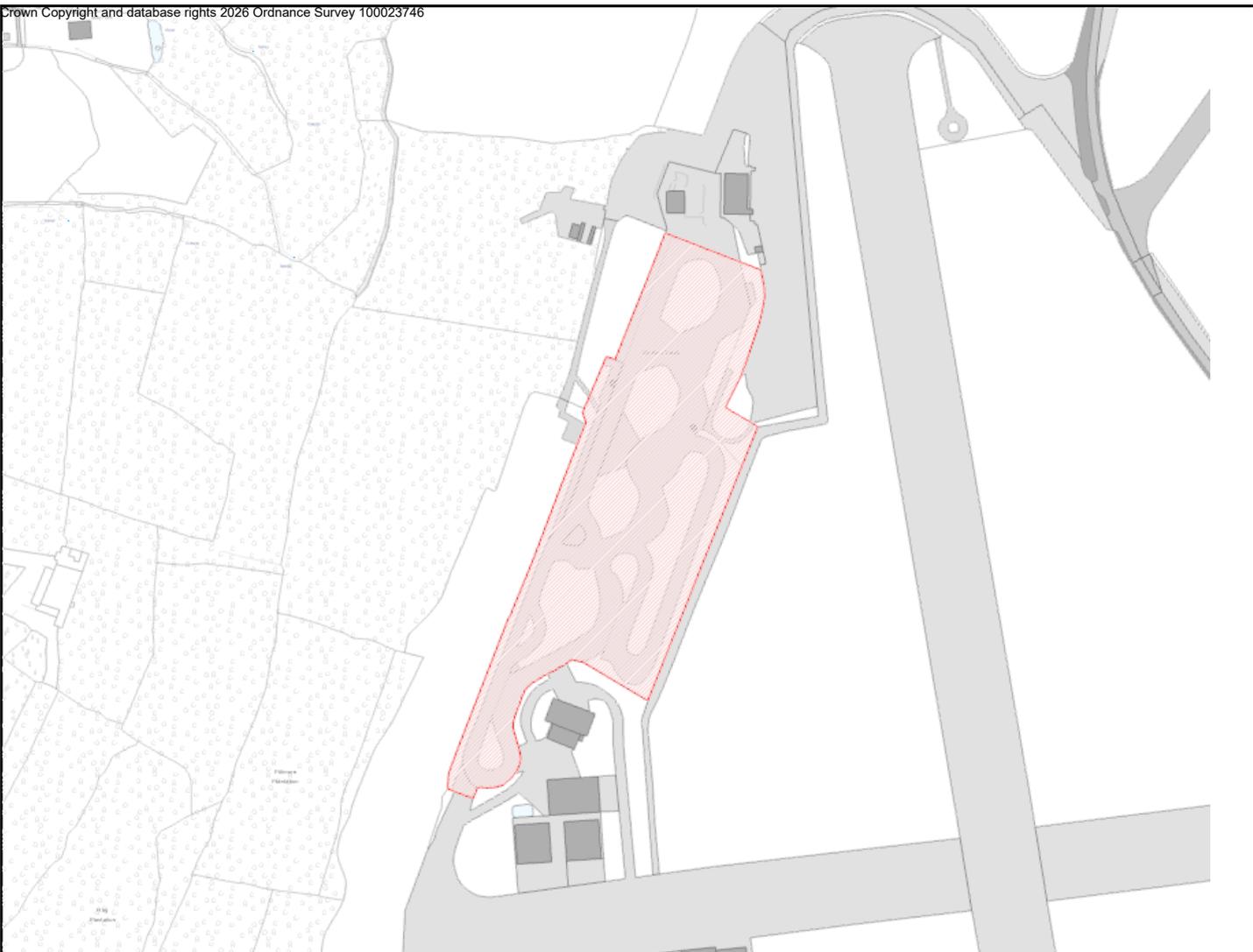
**Location** Dunkeswell Raceway Dunkeswell EX14 4AH

**Proposal** **25/0382/VAR:** Variation of wording of condition 4, and removal of condition 3 for planning permission 05/0540/FUL  
**25/0383/VAR:** Variation of wording of condition 1 and removal of condition 2 for planning approval 06/3353/FUL  
**25/0384/VAR:** Removal of condition 1 and condition 3 and variation of wording of condition 4 for variation 15/0280/VAR  
**25/0944/V106:** Application to discharge Section 106 Agreement pursuant to planning permissions 05/0540/FUL and 06/3353/FUL



**RECOMMENDATION:**

1. That applications **25/0382/VAR**, **25/0383/VAR** and **25/0384/VAR** be approved with conditions
2. That the Section 106 Agreement dated 6th July 2010 be discharged



		<b>Committee Date: 24.02.2026</b>
<b>Dunkeswell and Otterhead (Dunkeswell)</b>	<b>25/0382/VAR</b> <b>25/0383/VAR</b> <b>25/0384/VAR</b> <b>25/0944/V106</b>	<b>Target Date: 17.04.2025</b>
<b>Applicant:</b>	<b>Dunkeswell Raceway Limited</b>	
<b>Location:</b>	<b>Dunkeswell Raceway Dunkeswell</b>	
<b>Proposal:</b>	<p><b>25/0382/VAR - Variation of wording of condition 4 (post resurfacing noise readings and noise attenuation methodology) and removal of condition 3 (hours/days of operation) for planning permission 05/0540/FUL (Formation of extended track) to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.</b></p> <p><b>25/0383/VAR - Variation of wording of condition 1 (defining the range of track activities) and removal of condition 2 (hours/days of operation) for planning approval 06/3353/FUL (Retention of widening of kart track) to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.</b></p> <p><b>25/0384/VAR - Removal of condition 1 (hours/days of operation) and condition 3 (Maximum noise levels) and variation of wording of condition 4 (12 Kart limit) to increase the number of karts for variation 15/0280/VAR (Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time) to facilitate alternative days or operation, hours of kart racing and increase the number of leisure karts to 24 as proposed within a Noise Management Plan.</b></p> <p><b>25/0944/V106 - Application to discharge Section 106 Agreement pursuant to planning permissions 05/0540/FUL and 06/3353/FUL</b></p>	

**RECOMMENDATIONS:**

- 1. That applications 25/0382/VAR, 25/0383/VAR and 25/0384/VAR be**

approved with conditions

2. That the Section 106 Agreement dated 6<sup>th</sup> July 2010 be discharged

### EXECUTIVE SUMMARY

These applications are brought before the Committee owing to a difference of opinion between officers and the ward members.

Dunkeswell Raceway is an existing well-established business located on the western side of Dunkeswell Airfield on an expansive hilltop plateau. The site and surrounding area form part of the designated East Devon National Landscape (NL).

At present, two types of kart racing operate from the circuit:

- o Kart Club race meetings which are currently permitted to occur on up to 9 weekends together with an additional 15 Saturdays in a calendar year (i.e. 33 days in total) with all dates notified to the Council in advance. These involve karts that are brought to meetings by participants
- o Leisure karts, which comprise the day-to-day business at the site and which houses a resident fleet of electric karts

The current pattern of activities/operations at the Raceway is controlled by a combination of planning conditions attached to various historic planning permissions granted during the period 1993-2015 and, principally, obligations set out within a section 106 agreement entered into in 2010 between the Council and the then owners/operators of the circuit.

The latter followed noise abatement action having been taken by the Council, ultimately without success, to address noise issues and complaints arising from activities at the Raceway, more particularly from residents at Sheldon around 1km. to the northwest of the circuit.

In summary these:

- Restrict race karting to 18 days over 9 full weekends per calendar year together with an additional 15 Saturdays per year (i.e. 33 days in total)
- Require 7 days' prior written notice of race karting events to be provided to the Council
- Restrict the hours of racing on Saturdays to between 9.00am and 6.00pm and on Sundays to 10.00am and 11.00am and 12 noon and 6.00pm (i.e. no racing is permitted between 11.00am and 12 noon on Sundays). No racing is permitted on weekdays
- Restrict sound levels from the use of the circuit by race karts, at a fixed point defined on a plan that accompanies the agreement, to 85db
- Further restrict sound levels on the first two Saturdays of each month - together with the third Saturday where there is racing on three consecutive Saturdays - to 73db, when expressed as an LAeq 1-hour, and 65db when

expressed as an LAeq 8-hour

- Apply the lower sound level restrictions to the leisure karting

The proposals to which the three 'section 73' variation applications (25/0382/VAR, 25/0383/VAR and 25/0384/VAR) relate involve the removal and/or variation of conditions attached to three of the historic planning permissions so as to enable, in summary:

- Kart racing (with the maximum noise limit retained at 85db) on 14 full weekends per calendar year
- Kart racing (with the maximum noise limit retained at 85db) on a further 6 individual Saturdays or Sundays per calendar year with no more than 3 of these 6 days being Sundays
- Revised hours of racing on Saturdays to between 9.00am and 5.00pm
- Revised hours of racing on Sundays between 10.00am and 5.00pm with the current prohibition of racing during the 11.00am to 12 noon hour removed
- Kart racing on 5 Fridays per year between 9.00am and 4.00pm with maximum noise levels set at 85db. This is to enable testing 'and similar activities' ahead of race days on the following weekends
- Race practice sessions on 3 proposed weekdays per year between 9.00am and 4.00pm with maximum noise levels set at 80db
- The following of any scheduled successive race weekends by a minimum equal number of non-race weekends
- An increase in the number of leisure karts permitted to be in use at the Raceway from 12 to 24. These would continue to be subject to the current 73db noise limit

The applications are accompanied by a noise management plan (NMP) that sets out the proposed revised pattern of activity at the Raceway (on the basis of the above), a methodology for the assessment of noise impacts and a complaints procedure.

The provisions of the NMP, which has been through several iterations as a result of consultation with the Council's Environmental Health Officers, form the basis of a revised legal agreement, a draft of which has also been provided.

Both documents are together intended to provide the Council with comfort in regard to the enforceability of the obligations set out in the latter.

The fourth application, ref. 25/0944/V106, therefore seeks the discharge of the present 2010 legal agreement to enable it to be replaced with a new agreement whose obligations would reflect the proposed changes set out above.

The proposals have been the subject of close scrutiny by the Council's Environmental Health Officers who conclude that the karting activity at the Raceway does not constitute a statutory noise nuisance and, furthermore, that this situation would not be altered as a result of the proposed operational changes that are being sought provided that the controls and assessment/review processes set out within the NMP are adhered to.

Their position has been informed by a comprehensive review of the applicants'

**Noise Impact Assessments, Technical Advice Notes and, critically, the NMP itself, which is seen as the key tool for maintaining control over the operation of the Raceway going forward.**

**In the light of this, it is maintained that objection to the proposals on noise and NL tranquillity grounds would be difficult to support, albeit it is fully recognised that the proposals would fundamentally increase the numbers of days' racing activity at the circuit, including Sunday racing days. However, given the current levels of activity in terms of the overall percentage of days per year that it is conducted, alongside the comparatively modest level of increase proposed in the context of the number of days in a year, on balance it is felt that the proposals would be acceptable.**

**Approval of all three VAR applications is therefore recommended subject to conditions to secure compliance with the submitted NMP and the historic permissions to which they relate that are unaffected by the current proposals.**

**In the event that these recommendations are accepted, it follows that the discharge of the present legal agreement proposed under application 25/0944/V106 can be agreed since its provisions would otherwise be at odds with those of the NMP and the compliance conditions referred to above.**

**Conversely however, should Members be minded to resolve to refuse the VAR applications (i.e. effectively maintaining the status quo as regards the existing controls over the patterns of activity at the Raceway), it follows that the discharge of the existing legal agreement should also be refused.**

## **CONSULTATIONS (Applications 25/0382/VAR, 25/0383/VAR and 25/0384/VAR)**

### **Local Consultations**

#### **Parish/Town Council (Dunkeswell)**

The Council reviewed all available information and resolved to adopt a neutral position, as no complaints have been received from residents of Dunkeswell, whom they represent. (No direct complaints received)

Some concerns were expressed, if East Devon District Council officers are minded to approve the applications, the Parish Council respectfully requests that consideration be given to maintaining the one-hour break on Sundays for Church Services, unless there are no services scheduled. Collaborating with the Church would be beneficial. It is also believed that concluding activities by 4pm on Sundays would be more appropriate.

#### **Dunkeswell And Otterhead - Cllr Colin Brown**

I have looked at applications for kart tracks in areas of National Landscape In other parts of the country, I have found 3 all of which have been refused both by their planning department, there planning Committees and the planning inspectorate on Appeal. Therefore, I cannot support this application at the present time.

If the officer's opinion is different to mine, then I would like it to go to the planning committee where I will keep an open mind until I have heard all the comments both for and against.

Dunkeswell And Otterhead - Cllr Yehudi Levine (Original comments)

I am opposed to the application and would like it to go to committee should officers decide to approve. I find the objections and grievances raised by the residents of Sheldon to be justified. I have received complaints from the residents of Sheldon that the S106 agreement had been breached by the applicants on a number of occasions and was present with them at a meeting with the Environmental Health Team last January where their concerns were raised. That was before the application was submitted.

In considering the application I searched for further information about the Raceway and its activities on its website. I was unpleasantly surprised to see that the published programme for the coming year is based on the successful outcome of their application.

The covering letter submitted with the application has raised more questions for me than it answered and I am struggling with some of the statements made in it. I shall dwell on just two of those.

Firstly, I find the claim that the Raceway makes an important contribution to East Devon's economy questionable. I am sure the owners of the Raceway will benefit, but I need to be convinced of the benefits in the immediate area. In this regard I would like to point out the very limited economic impact accruing locally from racing activities in the Smeatharpe Banger Stadium. Both venues accommodate overnight visitors and are several miles away from the usual tourist amenities. The Raceway only provides breakfasts and lunches.

Moreover, I find the comparison between the noise produced by the planes in Dunkeswell airfield with that of the Raceway spurious as this is like comparing apples to oranges: not the same thing. My impression in fact is that the noise disturbance from air traffic has not changed much in the recent past and is not continuous for periods as long as a karting race.

Finally I wonder how the increased use of motor traffic generated by the activities on the Raceway can be squared with the stated commitments of EDDC to a greener economy and a reduction in car journeys.

I am however ready to be persuaded to change my mind should the applicants present me with evidence to assuage my reservations.

Dunkeswell And Otterhead - Cllr Yehudi Levine (Further comments)

I have now had the opportunity to visit the Raceway and meet the applicants in person. I am happy to report that they have provided me with clear information about the economic and educational impact of the Raceway. In addition, we discussed the differences in the facilities needed to accommodate the racing enthusiasts attracted to Smeatharpe's Banger Stadium and the Raceway. I am sufficiently reassured to withdraw my earlier comment about the economic benefits.

However, I still stand by my other concerns and would like the application to go to committee should Officers decide to approve the application.

Chair to Sheldon Parish Meeting (Adjoining parish)

Dunkeswell Raceway, Dunkeswell - s. 73 applications to vary conditions to allow changes to operating arrangements and application to discharge s. 106 agreement

Sheldon Parish Meeting objects to the above applications in the strongest terms and asks East Devon District Council (EDDC) to take this objection into account, alongside the many other objections made which the Parish Meeting has seen and wholeheartedly agrees with.

The applications in question are:

(1) Ref: 25/0382/VAR - Variation of wording of condition 2 (post resurfacing noise readings and noise attenuation methodology) and removal of condition 3 (hours/days of operation) for planning permission 05/0540/FUL (Formation of extended track) to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.

(2) Ref 25/0383/VAR - Variation of wording of condition 1 (defining the range of track activities) and removal of condition 2 (hours/days of operation) for planning approval 06/3353/FUL (Retention of widening of kart track) to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.

(3) Ref: 25/0384/VAR - Removal of condition 1 (hours/days of operation) and condition 3 (Maximum noise levels) and variation of wording of condition 4 (12 Kart limit) to increase the number of karts for variation 15/0280/VAR (Variation of Condition 2 of planning permission to allow more than 8no karts to be in use at any time) to facilitate alternative days or operation, hours of kart racing and increase the number of leisure karts to 24 as proposed within a Noise Management Plan.

(4) The covering letter with the application also states that an application "is being made" to "discharge" a section 106 agreement (see below) although details do not yet seem to be available on the Council's website but the Parish Meeting would also object to any such application on the basis of what follows.

Under the section 73 applications (1)-(3) it is proposed that the hours/days of operation are deleted and under (3) it is proposed in addition that noise level controls are deleted and that the number of leisure karts in use at the Raceway at any time shall be doubled from 12 to 24 karts, with hours/days of operation and noise levels to be increased as set out in a proposed Noise Management Plan submitted with the applications.

For the avoidance of doubt, and in addition to the Parish Meeting's fundamental objection to the applications, the Parish maintains that it is inherently inappropriate to substitute the raft of controls on the use of the Raceway with an inherently vague and informal noise management plan instead of hard edged levels and restrictions imposed by conditions or section 106 provisions.

The effect of the proposed variations under the section 73 applications is that the current permitted hours/days of operation of "Saturdays from 9am to 6pm [or 9pm under 15/0280/VAR] for practice only and on nine Sundays only throughout the year but with no engines being run between 11am and 12 noon [except for leisure karting]" (emphasis supplied) would be changed to the numbers of days and timings of events set out in Table 5.1 of the proposed Noise Management Plan as follows:

14 "Race weekends", i.e. 28 weekend days (Saturday 9am to 5pm; Sunday 10am to 5pm)

3 "Race weekend days (with a max. of 3 individual Sundays)", ie 6 days (same timings)

5 "Race Fridays", ie 5 days (9am to 4pm)

3 "Practice Weekdays", ie 3 days (9am to 4pm).

This is a total of 42 days per year, including 34 (28 + 6) weekend days - and up to 17 Sundays (an increase from 9 -almost double the current level).

This represents an increase of 27% over the current section 106 limit of 33 days.

Under para. 3(a) of the Second Schedule to the section 106 agreement "race karting" can take place "on no more than eighteen days in each calendar year over no more than nine separate weekends together with a further fifteen Saturdays..."

The applications we are concerned with here simply have no regard for the current "compromise" (ie compromise because the section 106 reflects the compromise position against the background of statutory nuisance proceedings, see clause 3.9).

The section 106 agreement also states that Race karts would not be run in the first two weekends of any month, providing residents with a welcome and guaranteed period of respite from noise and more recently light pollution from temporary floodlights. This stipulation has been removed from the proposed Noise Management Plan.

Moreover, this fact is prematurely and more to the point inappropriately reflected in the Raceway's 2025 calendar.

The Noise Management Plan also contains provision for three-day weekend race meetings which are not permitted at all under the terms of the section 106 agreement.

It is worth noting that the current on-line calendar for Dunkeswell Raceway assumes that all three applications, which we maintain should be refused, are successful.

Leisure karts are currently limited to 73dB expressed as an LA eq 1 hour, with race karts limited to 85dB expressed as an LA eq 1 hour. It is well recognised that an increase of only 10dBA would be perceived by most people as a doubling of the sound level. The applicant's proposals would see the number of higher dB race/practice days rise dramatically. This cannot be consistent with the current (and expressly recognised - see below) tranquillity that the area enjoys.

Not content with a considerable increase in race days, the applicant seeks to increase the number of leisure karts from 12 to 24 (this being a further increase from the original 8 as limited by permission ref 99/P0234) . It is inevitable that an increase of this magnitude would significantly increase perceived loudness levels to the human ear. This cannot be acceptable.

We are also most concerned that the application seeks to remove the protection contained in para. 3(a) of the Second Schedule to the section 106 agreement of the one hour break on Sundays for those who wish to attend Church; not just in Sheldon but also in neighbouring villages. This has been emphasised by Dunkeswell Parish and others and is noted on the Planning Portal. We have strong objections on removing this break in its entirety for obvious reasons - and especially because it was a specific restriction imposed by the section 106 agreement.

The Parish Meeting is in complete agreement with the observations of Mr Ben Wilson, which he has already made to the Council. In particular, the impact on the AONB of allowing increases in such an incompatible use, with consequent conflict with the NPPF and EDDC's development plan (and emerging) policies which are designed to safeguard that special environment.

Those conflicts cannot be outweighed by any "material considerations" within the meaning of section 38(6) of the Planning and Compulsory Purchase Act 2004 (and few are identified in the applicant's application). There is no justification for any increase in the noise, frequency and intensity of a use which is both incompatible with its AONB location and its proximity to the residential areas of Sheldon and Dunkeswell.

The Parish Meeting reminds the Council that when the number of 8 leisure karts which could be used at any time was increased to 12 under application 15/0280/VAR, that was described as an "extremely modest increase". The Parish Meeting would not accept that description - the current proposal proposes a doubling of that number with inevitable consequential significant noise impact. This is another clear reason why the application should simply be refused.

Also, as stated by the Council's Landscape Architect & Green Infrastructure Officer: "Paragraph 189 of the National Planning Policy Framework (NPPF) December 2024 requires decision makers to give great weight to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes [ie AONBs] which have the highest status of protection in relation to these issues and requires also that the scale and extent of development within all these designated areas should be limited.

Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Parks, National Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes".

So EDDC must give "great weight" to conserving and enhancing landscape and scenic beauty of the AONB, including its inherent "tranquillity" as expressly identified by Natural England as contributing to natural beauty.

The Council's own Blackdown Hills AONB Management Plan 2019-2024 and the draft Management Plan 2025-2030 emphasise tranquillity as one of the Blackdown Hills AONB's special qualities.

Furthermore, section 245 of the recent Levelling-up and Regeneration Act 2023 now requires authorities such as EDDC expressly to "seek to further" the statutory purposes of Protected Landscapes such as AONBs. The 'seek to further' duty is clearly intended to ensure that the natural beauty of protected landscapes (including National Landscapes) will be enhanced (emphasis supplied) as a result of the local authority exercising or performing its function.

Government/DEFRA Guidance and advice provided by Natural England in current planning proceedings states that the duty to 'seek to further' is not a passive one.

On the contrary, EDDC must take all reasonable steps to explore how the statutory purposes of the protected landscape can be furthered. The rigorous application of these standards are far reaching. The Parish contends that this policy is simply incompatible with the changes being sought by the applicant and as a result the section 73 applications, together with the application to discharge the section 106 agreement, must be refused.

There is strong support for the Council's position in the recent case of *New Forest National Park Authority v. Secretary of State* [2025] EWHC 726 (Admin) in which the duty in section 245 was described as being "strengthened", see para. 58.

The High Court went on to say this:

"61. As a matter of ordinary English, to "further" a stated purpose is to promote or to facilitate that purpose. Therefore, the duty imposed by section 11A(1A) of the 1949 Act upon a planning authority determining a planning application requires more than merely weighing the effect of the proposed development on the section 5(1) purposes in the overall balance. In order to discharge the strengthened duty, the planning authority must determine whether the proposed development is consistent with the promotion of the statutory purposes. If the planning authority determines that the proposed development is in conflict with the statutory purposes or would undermine the fulfilment of the section 5(1) purposes, they must consider whether the grant of planning permission would be in accordance with their duty to seek to further those purposes.

62. The strengthened duty is expressed in qualified terms. The planning authority is required "to seek to further" the section 5(1) purposes. It is not under a duty necessarily to fulfil those purposes. Nevertheless, in my view, in any case in which the planning authority determines that a planning application proposes development which is in conflict with the section 5(1) purposes or will undermine their fulfilment, the authority ought both to consider whether and to explain why they have decided that planning permission may justifiably be granted. The planning authority's consideration of those matters will necessarily be informed by the circumstances of

the given case, including the size and scale of the development under consideration and the extent and severity of its conflict with the section 5(1) purposes. These are matters of judgment, but a duty "to seek to further" the section 5(1) purposes necessarily invests the planning decision maker with the responsibility to judge, firstly, whether the planning application before them for decision proposes development which interferes with the fulfilment of those purposes; and if it does, whether and if so, why the grant of planning permission is justified" (emphasis supplied).

The Parish Meeting, in common with other local residents and organisations, such as the AONB and the 45 Parishes Network (all the parishes within the AONB/NL), wishes to remind EDDC that there have been clear breaches of the section 106 agreement with racing taking place on non-racing days, with the added complication of additional temporary flood lighting being put in place for these meetings, all of which leads the Parish Meeting to seek to ensure that compliance with the existing section 106 is maintained and no opportunity provided for further levels of disturbance, with consequent increased impact on the sensitive and tranquil Blackdown Hills AONB.

The Parish Meeting is frustrated that the Council's officers' attitude is that e.g. racing on Fridays in breach of the terms of the section 106 can be dismissed as "technical" breaches when they are clearly unauthorised under the express terms of the agreement.

In the latest exchange with officers, they have referred to the above applications and stated that "if the applications were subsequently approved, then any such action would be wasted and to act in advance of a decision on the applications is likely to be deemed unreasonable".

But this of course involves a dangerously premature and, in fact, forbidden assumption on the merits of the application. It also stands the Council's enforcement duties on their head. The existing restrictions are there to be enforced.

On the officers' position, any breach of planning control could be defeated by the submission of a planning application so as to stave off enforcement.

Also, the Parish Meeting is concerned that officers' approach to the activities at the Raceway seem to be judged against the higher thresholds of statutory nuisance whereas the starting point should be the "strengthened" duty to preserve and enhance the AONB. Judged against this duty, the Parish Meeting submits that the obvious conclusion should be that the applications should be refused.

Such a decision would be wholly consistent with those of the planning authorities in Dedham Vale and at Lydden in Kent, both within AONBs, where proposals respectively for the extension of a station car park and the expansion of an existing motor racing circuit were rejected on grounds of unacceptable impact on the AONB.

The Parish refutes claims of the wider educational and economic benefits which it is said would be associated with the granting of the applications. There is no independent analysis or report of the wider economic benefits nor details behind any

meaningful employment opportunities. Educational claims are not supported by any vocational training or other training programs which would lead to a recognisable qualification.

The Parish Meeting maintains its position that these are comments are made 'off the cuff' with no clear basis in fact.

It follows that there are no "material considerations" within the meaning of section 38(6) of the 2004 Act to outweigh the clear conflict with the Council's development plan policies for the protection of the AONB.

Sheldon Parish Meeting therefore urges EDDC to refuse the applicant's applications and requests a determination of them by committee so that the Parish Meeting can have the opportunity of voicing their concerns. We would therefore be grateful if the Council would supply us with a copy of the officer's report well in advance of the Council's committee meeting so that we can make any further necessary comments.

#### Adjoining Parish (Upottery)

Upottery Parish Council wishes to register its objection to planning applications 25/0382/VAR, 25/0383/VAR, and 25/0384/VAR.

If granted, these applications would lead to a considerable increase in the number of race meetings taking place at the site. Specifically, they propose expanding permitted race and practice days from 33 to 42 annually, with activity occurring on 34 weekends out of 52—including some three-day events. This represents a significant intensification of site use.

Such an increase would inevitably result in a substantial rise in noise and traffic pollution, much of it concentrated on weekends, and would have a direct and negative impact on surrounding parishes, including Upottery. The noise from two-stroke racing karts is known to carry across large distances due to the site's elevation and location on former airfield land—sound does not respect parish or district boundaries.

The Parish Council considers the proposed changes to be excessive and inappropriate given the site's position within the Blackdown Hills National Landscape (BHNL). The cumulative impact of increased events, noise, and traffic would undermine the tranquillity and environmental quality that this protected landscape exists to conserve.

#### Adjoining Parish (Kentisbeare)

Kentisbeare Parish Council wish to object to the proposed relaxation of the conditions on the Noise Management Plan.

It believes that there would be likely to be a damaging impact on the local community in terms of noise, light and physical pollution as well as the risk of additional traffic on lanes that are manifestly ill-equipped to deal with them.

To be increasing activity of this nature within an area that is designated as a National Landscape, especially one that is renowned for the quality of its night skies, seems perverse.

### Adjoining Parish (Culmstock)

Culmstock Parish Council is unanimous in its OBJECTION to the proposed variations.

### **Technical Consultations**

#### Environmental Health

Following ongoing consultation, the Noise Management Plan (Ref: AS13341.250129.NMP.V1.8.docx) has been accepted as providing sufficient detail on the noise control measures to be implemented at the Raceways to mitigate potential impacts on nearby noise-sensitive receptors. Therefore, Environmental Health has no concerns regarding the three applications (25/0382/VAR, 25/0383/VAR, and 25/0384/VAR), subject to the implementation of the NMP.

#### Blackdown Hill National Landscapes

Thank you for requesting comments from the Blackdown Hills National Landscape Partnership on these associated applications.

The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. Further, all relevant authorities, including local planning authorities, have a duty to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions. We support our constituent local planning authorities in the application of their development management policy framework together with national planning policy and other statutory functions in respect of the above.

This is supported by the Blackdown Hills AONB Management Plan 2019-2025, which is the agreed policy framework for conserving and enhancing the designated AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following objectives and policies of particular relevance;

Policy LC3 Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

Policy RET3 Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

#### Planning and development PD2

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

\_&ú Respecting landscape character, settlement patterns and local character of the built environment,

\_&ú Being sensitively sited and of appropriate scale,

\_&ú Reinforcing local distinctiveness, and

Seeking to protect and enhance natural features and biodiversity

Objective AE To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty

The special qualities of the designated AONB include its relative remoteness and tranquillity, and further, the Planning and Development section of the current AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies.

In light of all of the above, and notably in respect of the duty to seek to further the conservation and enhancement of natural beauty of the area, crucial to consideration of these applications is whether they contribute to conserving and enhancing natural beauty, including considering the impact on relative tranquillity.

While rationalising/simplifying the regime of controls may be helpful, this should on no account be at the cost of loosening those controls: noise must be effectively managed and monitored, and all activity at the site must also continue to be controlled and restricted to avoid harm or detriment to the valued qualities of the National Landscape. The potential for up to 24 karts driving round for 12 hours a day plus an increase in the number of race days proposed under the applications can only result in greater noise for a longer duration, more often, which together with associated traffic generation, will adversely impact on the special qualities of the designated AONB and should be reconsidered.

## **CONSULTATIONS (Application 25/0944/V106)**

### **Local Consultations**

#### **Parish/Town Council (Dunkeswell)**

The Council acknowledges that the existing S106 agreement requires updating to apply to any new permissions that may be granted. However, the Council would prefer that this agreement not be removed without being replaced by a new S106 agreement or alternative arrangement should officers be inclined to approve applications 25/0382/VAR, 25/0383/VAR, and 25/0384/VAR.

As in previous comments made, the Council maintains that the designated hour for Sunday Church Services must be upheld, unless there is no service scheduled. Additionally, an earlier conclusion time of 4 pm on Sundays would be beneficial for residents.

#### **Dunkeswell And Otterhead - Cllr Colin Brown**

I am against this 106 agreement being rescinded, the cost of the court case and getting this resolved and agreed at the time was in excess of £100k. It was very important for the residents of Sheldon and for the church to hold its services in what was known as Gods hour.

Dunkeswell And Otterhead - Cllr Yehudi Levine

To my mind this application is premature, and the agents should have waited with submission until the applications for changing the S106 agreements (25/0382/VAR, 25/0383/VAR & 25/0384/VAR) have been dealt with.

So while I am in favour of a Noise Management Plan, I am forced to object to this application as it is contingent on the decisions on the previous applications.

As an aside the proposed Noise Management Plan allows racing on a Friday. As I understand it the rationale advanced by the Raceway for this, is that the noise from the Raceway will be drowned by weekday noises from other sources. However, this was not borne out when I visited both the Raceway and Sheldon on Friday 25th April 2025. The noise from the Raceway was loud, clear and quite distinctive from the background noises from traffic, rural work activities and aircraft movements.

Chair To Sheldon Parish Meeting (Adjoining parish)

As Chair I have received numerous objections as you can see on the portal. The previous 3 planning applications equally tie in.

Sheldon therefore object to these in the strongest terms.

Adjoining Parish (Upottery)

Objection to Application 25/0944/V106 - Discharge of Section 106 Agreement (Dunkeswell Raceway)

Upottery Parish Council wishes to formally object to planning application 25/0944/V106, which seeks to discharge the Section 106 Agreement associated with planning permissions 05/0540/FUL and 06/3353/FUL at Dunkeswell Raceway.

We strongly oppose the removal of this legal agreement for the following reasons:

1. Protection of Local Amenity

The original Section 106 Agreement was put in place to mitigate the impact of the development on the local community, particularly in relation to noise, traffic, and environmental concerns.

2. Precedent and Planning Integrity

Discharging this agreement could set a dangerous precedent for future developments in the area. Section 106 Agreements are a vital planning tool used to secure community benefits and ensure developments are sustainable. Removing such obligations undermines the integrity of the planning process and the trust of the local community in its enforcement.

3. Lack of Justification

The application does not appear to provide sufficient justification or evidence that the obligations within the Section 106 Agreement are no longer necessary or relevant. Without a clear demonstration that the original reasons for the agreement have been fully addressed or are obsolete, the Parish Council sees no valid reason for its discharge.

#### 4. Consistency with Local and National Policy

The discharge of the agreement may conflict with both local planning policies and national guidance on planning obligations, which emphasise the importance of securing long-term community benefits and ensuring developments remain acceptable in planning terms.

For these reasons, Upottery Parish Council urges East Devon District Council to refuse application 25/0944/V106 and retain the Section 106 Agreement in full.

#### **Technical Consultations**

##### Environmental Health

In considering the proposal to discharge the S106 agreement, Environmental Health are supportive with the principle of discharging the S106 and replacing it with a robust Noise Management Plan.

The primary function of the NMP will be to form a new robust regulatory management system under which noise emissions from the Raceway will be managed. This will ensure that any adverse noise impact will be minimised & reduced and any significant adverse noise impacts will be prevented.

##### Blackdown Hill National Landscapes

Thank you for requesting comments from the Blackdown Hills National Landscape Partnership on this application.

The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. Further, all relevant authorities, including local planning authorities, have a duty to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions. We support our constituent local planning authorities in the application of their development management policy framework together with national planning policy and other statutory functions in respect of the above.

This is supported by the Blackdown Hills AONB Management Plan 2019-2025, which is the agreed policy framework for conserving and enhancing the designated AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following objectives and policies of particular relevance;

Policy LC3 Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

Policy RET3 Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

##### Policy PD2

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

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

Objective AE To ensure that opportunities to explore and enjoy the Blackdown Hills countryside and special qualities are compatible with conserving and enhancing natural beauty

The special qualities of the designated AONB include its relative remoteness and tranquillity, and further, the Planning and Development section of the current AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies.

In light of all of the above, and notably in respect of the duty to seek to further the conservation and enhancement of natural beauty of the area, crucial to consideration of this, and other associated applications is whether they contribute to conserving and enhancing natural beauty, including considering the impact on relative tranquillity.

The discharge of this legal agreement would remove essential protections originally deemed necessary and agreed by all parties 15 years ago to mitigate harm to the designated AONB's environment and community.

While rationalising the regime of controls may be helpful, this should on no account be at the cost of removing or loosening those controls: noise must be effectively managed and monitored, and all activity at the site must also continue to be controlled and restricted to avoid harm or detriment to the valued qualities of the National Landscape.

The potential for more leisure karts plus an increase in the number of race days proposed under the applications can only result in greater noise for a longer duration, and more often, which together with associated traffic generation, will inevitably adversely impact on the special qualities of the designated AONB that the established Section 106 has sought to protect.

#### Other Representations

A total of 314 individual representations of objection and 80 individual representations of support have been received at the time of writing. However, the majority of these have been replicated across all four applications.

#### Summary of Grounds of Objection

1. Significant increase in one of the biggest polluting activities in East Devon and extra carbon emissions that will affect air quality.
2. Peace, quiet, beauty and tranquillity of the National Landscape will be further destroyed.
3. No exceptional circumstances exist to justify development.

4. Increased tyre squeal from kart racing which is disturbing to the ear and will lead to a further increase in anxiety and stress levels for residents and decrease in residents' quality of life.
5. Proposed noise management plan is based on self-regulation with no independent monitoring and management or penalties and will weaken enforceable noise controls.
6. Any change should be based upon a full transition from petrol to electric vehicles.
7. No evidence that raceway visitors bring any substantial benefit to the local economy.
8. The existing section 106 agreement has worked well, by allowing a compromise, but change will be to the detriment of residents.
9. The applicant knew the conditions attached to the Raceway when it was purchased and should abide by them.
10. Conflict with local and national planning policy.
11. No meaningful pre-application engagement with the local community regarding the changes.
12. Increased additional vehicle movements, including visitor traffic, transporters and support vehicles.
13. Increased number of Sunday race days; this should be a quiet day.
14. Current clarity over race weekends would be lost and would make it less easy to plan outdoor events during non-race weekends.

#### Summary of Grounds of Support

1. The karting facility provides an excellent space for young drivers to develop their skills.
2. Increase in visitors directly helps boost the local economy by creating job opportunities and supporting local businesses.
3. Noise from aviation activities does not constitute a quiet rural setting as it is constant and unavoidable but seems to be generally accepted.
4. Number of race days will be offset by reduced race day duration times.
5. Recognised by two karting championships for its facilities.
6. Grassroots circuit that provides opportunities for young people to develop talent.
7. Motorsports and other track-related activities are a great way for individuals to engage in a form of physical and mental release, which can improve overall well-being.
8. Educational opportunities available makes the raceway accessible to the wider community.
9. The track is a crucial asset to the area, and its future success will have a lasting positive impact on both the local community and the wider motorsport world.
10. The proposed increase in days is an insignificant amount which will be well managed to prevent any disruption to the community.
11. Approval will help secure the future of Dunkeswell Raceway for current users and for future generations ensuring that its longstanding contribution to the area is strengthened.
12. The proposed changes, including a small increase in race days, the introduction of limited practice days, shorter race days with earlier finishing times and the implementation of a Noise Management Plan demonstrate that Dunkeswell Raceway is committed to operating responsibly while remaining a good neighbour.

#### **PLANNING HISTORY**

Reference	Description	Decision	Date
15/0280/VAR	Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time.	Approval with conditions	19.06.2015
99/P0234	Use Of Land For Commercial Pro/leisure Karting	Approval with conditions	08.04.2002
06/3351/FUL	Retention of car parking and pits area on land to north east of circuit	Approval retrospective (conditions)	17.04.2007
06/3353/FUL	Retention of widening of kart track extension	Approval retrospective (conditions)	22.03.2007
05/0540/FUL	Formation of extended track	Approval with conditions	11.01.2006
88/P0870	Kart Racing/amended Hours Of Operation.	Approval with conditions	15.09.1988

## **POLICIES**

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN14 (Control of Pollution) Adopted

Dunkeswell Neighbourhood Plan (Made)

## 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 OL02 (National Landscapes (Areas of Outstanding Natural Beauty))  
Draft

Policy OL09 (Control of pollution) Draft

## Government Planning Documents

National Planning Policy Framework 2024 (as amended)

## **ANALYSIS**

### Introduction

This report covers four separate applications, all of which relate to the Dunkeswell Raceway kart racing circuit.

Three of these applications (refs. 25/0382/VAR, 25/0383/VAR and 25/0384/VAR) have been submitted under section 73 of the Town and Country Planning Act and seek to vary and/or remove conditions attached to three previous planning permissions relating to the circuit, two of which were granted during the 2000s with the third approved in 2015.

The conditions attached to each of these permissions can only be varied or removed via a 'section 73' application that relates to that specific application/permission; hence there are three applications, each seeking to vary a different permission.

However, for the purposes of structure and clarity and given that the issues that are material to each of the applications are essentially identical, all three applications are addressed within this single composite report.

The overriding objective of these three applications is to enable the pattern of kart racing at the circuit to be changed from that permitted at present.

This is currently controlled by a combination of planning conditions attached to the permissions referred to above and a section 106 agreement entered into in 2010 between the Council and the then owners/operators of the circuit. The background to the latter is set out in more detail below.

The fourth application (ref. 25/0944/V106) to which this report relates proposes the discharge of this legal agreement so as to facilitate its replacement with a fresh legal agreement to which the three section 73 applications referred to above would, if permitted, be tied.

## Site Location and Description

Dunkeswell Raceway is an existing well-established business located on the western side of Dunkeswell Airfield on an expansive hilltop plateau. The site and surrounding area form part of the designated East Devon National Landscape (NL).

The raceway is, from a visual standpoint, considered to be relatively low key within the surrounding landscape, which mainly comprises the airfield to its east, woodland to the west where, topographically, the land falls away into a valley and mainly open agricultural land to the north.

Sheldon village predominantly occupies a hilltop plateau on the opposite side of the valley to the northwest of the raceway.

The raceway circuit itself extends in a south-south westerly direction away from the entrance off the County highway.

Two types of kart racing operate from the circuit:

- o Kart Club race meetings which are currently permitted to occur on up to 9 weekends together with an additional 15 Saturdays in a calendar year (i.e. 33 days in total) with all dates notified to the Council in advance. These involve karts that are brought to meetings by participants
- o Leisure karts, which comprises the day-to-day business at the site and which houses a resident fleet of electric karts

#### Background

It is understood that kart racing has taken place at the site since the 1960s with a further permission granted in 1988 for kart race meetings.

Partly owing to the use of motor vehicles, complaints have been historically received regarding the noise emanating from the site, more particularly from residents at Sheldon, approximately 1 km. to the northwest of the circuit.

In light of the level of noise nuisance, Noise Abatement action was taken by the Council during the period 2006-2009 as the noise was considered to be of a level which constituted a statutory nuisance.

However, this was successfully appealed against at the Magistrates Court and the Noise Abatement Notice that had been served was quashed in its entirety with the Judge considering that there was no statutory nuisance arising from the activity at the site.

The Council in turn lodged an appeal against that decision with the Crown Court.

However, this was subsequently withdrawn in light of the legal agreement referred to above being entered into bilaterally with the then operators of the circuit in 2010.

This agreement both recognised the lawful activities that could take place at the site and placed a series of noise management restrictions (by mutual agreement) on those activities.

However, prior to this, the management of the circuit, including permitted days and hours of use, was controlled by a series of conditions attached to planning permissions granted during the late 1990s and 2000s.

The most relevant of these are summarised as follows.

#### 93/P0776 - Change of use of driver's skid school to leisure karting centre

This permission contains conditions, among others, that:

- Restrict the number of karts in use at any time to 6
- Restrict the use to between 9.00am and 9.00pm on any day
- Prevent the use of any amplifier, loudspeaker or public address system
- Require karts to be fitted with a GX160 Honda engine or a different model or make designed to produce equivalent or lower noise emissions

#### 99/P0234 - Use of land for commercial pro/leisure karting.

This permission contains conditions that:

- Restrict the number of karts in use at any time to 8
- Restrict the use to between 9.00am and 9.00pm on any day
- Set a maximum noise level at 10 metres from the track side at 65db
- Prevent the use of any amplifier, loudspeaker or public address system

#### 05/0540/FUL - Formation of extended track

This permission contains conditions that:

- Restrict the use of the extended track to the same terms and conditions as the existing; namely for time trials, go-karting, sprints (other than that connected with drag racing) and auto cross and grass track racing (again excluding drag racing)
- Restrict the use of the extended track to practice only on Saturdays from 9.00am to 6.00pm and on nine Sundays only throughout the year from 10.00am with no running of engines between 11.00am and 12 noon (condition 3)
- Upon completion of resurfacing, require the submission for the Authority's approval of further noise readings and a noise attenuation methodology within 3 months (condition 4)

**The current application ref. 25/0382/VAR seeks the removal of condition 3 and a variation to the wording of condition 4 of this permission so as to facilitate alternative days of operation and hours of kart racing as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

#### 06/3363/FUL - Retention of widening of kart track extension

This permission contains conditions that:

- Restrict the use of the extended and widened track to the same terms and conditions as the existing; namely for time trials, go-karting, sprints (other than that connected with drag racing) and auto cross and grass track racing (again excluding drag racing) (condition 1)

- Restrict the use of the extended and widened track to practice only on Saturdays from 9.00am to 6.00pm and on nine Sundays only throughout the year from 10.00am with no running of engines between 11.00am and 12 noon, except for leisure karting which can be operated under the terms of planning permission ref. 99/P0234 (condition 2)

**The current application ref. 25/0383/VAR seeks a variation to the wording of condition 1 and the removal of condition 2 of this permission so as to facilitate an alternative range of track activities, days of operation and hours of kart racing as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

15/0280/VAR - Variation of condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time

This permission contains conditions that:

- Restrict the use to between 9.00am and 9.00pm on any day (condition 1)
- Prevent the use of any amplifier, loudspeaker or public address system
- Set a maximum noise level at 10 metres from the track side at 65db (condition 3)
- Restrict the number of karts in use at any time to 12 (condition 4)

**The current application ref. 25/0384/VAR seeks the removal of conditions 1 (hours/days of operation) and 3 (Maximum noise levels) and a variation to the wording of condition 4 (limit on kart numbers) so as to facilitate alternative days of operation and hours of kart racing and to increase the number of permitted leisure karts to 24 as proposed within a Noise Management Plan.**

These changes are described in greater detail within the next section of the report.

The section 106 agreement entered into in 2010 also established a series of controls on the manner in which karting at the Raceway could be carried out alongside a methodology for measuring noise levels.

The agreement applies in respect of each of the permissions listed above with the exception of 15/0280/VAR which was approved subsequently.

The principal obligations set out within the agreement:

- Restrict race karting to 18 days over 9 full weekends per calendar year together with an additional 15 Saturdays per year (i.e. 33 days in total)
- Require 7 days' prior written notice of race karting events to be provided to the Council
- Restrict the hours of racing on Saturdays to between 9.00am and 6.00pm and on Sundays to 10.00am and 11.00am and 12 noon and 6.00pm (i.e. no racing is permitted between 11.00am and 12 noon on Sundays)
- Restrict sound levels from the use of the circuit by race karts, at a fixed point defined on a plan that accompanies the agreement, to 85db
- Otherwise apply more generally sound levels of 73db, when expressed as an LAeq 1-hour, and 65db when expressed as an LAeq 8-hour

- Effectively do not allow for race events on the first two Saturdays of each month at the 85db level or during a third consecutive Saturday. At these times the above lower sound levels apply
- These lower sound level restrictions also apply to the leisure karts

### Proposed Development

In 2023, the site changed ownership and the current owners/operators now wish to seek to improve its commercial viability.

To this end the current proposals, as stated above, seek to vary the pattern of activity/karting operations at the Raceway via, variously, the removal and/or variation of conditions attached to previous planning permissions refs. 05/0540/FUL, 06/3353/FUL and 15/0280/VAR as described above.

The changes that are now proposed can be summarised as follows:

1. Kart racing (with the maximum noise limit retained at 85db) on 14 full weekends per calendar year.
2. Kart racing (with the maximum noise limit retained at 85db) on a further 6 individual Saturdays or Sundays per calendar year with no more than 3 of these 6 days being Sundays.
3. Kart racing (with the maximum noise limit retained at 85db) on 5 Fridays per calendar year between 9.00am and 4.00pm. This is to enable testing 'and similar activities' on race days on the following weekends.
4. Kart practice sessions on 3 weekdays per calendar year (with a reduced maximum noise limit of 80 db) between 9.00am and 4.00pm.
5. Revised hours of racing on Saturdays to between 9.00am and 5.00pm.
6. Revised hours of racing on Sundays to between 10.00am and 5.00pm with the current prohibition of racing during the 11.00am to 12 noon hour removed.
7. The following of any scheduled successive race weekends by a minimum equal number of non-race weekends.
8. An increase in the number of leisure karts permitted to be in use at the Raceway from 12 to 24. These would continue to be subject to the current 73db noise limit.

It would also be necessary to change the provisions of the existing 2010 legal agreement that establishes the additional controls that are summarised above.

**Application 25/0944/V106 therefore seeks the discharge of this agreement to enable it to be replaced with a new agreement whose obligations would reflect the proposed changes set out above.**

To this end, a draft of such an agreement has been provided with the section 73 application submissions. This essentially simply sets out obligations requiring compliance with a noise management plan (NMP) that itself sets out the proposed revised pattern of activity at the Raceway, a methodology for the assessment of noise impacts and a complaints procedure.

The provisions of the NMP, which has been through several iterations as a result of ongoing consultation with the Council's Environmental Health Officers, form the basis of the revised legal agreement. Both documents are together intended to provide the

Council with comfort in regard to the enforceability of the obligations set out in the latter.

### Considerations/Assessment

Before considering the proposals in regard to the principal material issues that are discussed in turn below, it is considered useful, for broader comparison and context, to further break down the proposed changes when set against the current permitted karting operations and pattern of events at the Raceway.

The proposed changes would result in:

1. An increase in the overall permitted number of racing days from 33 days to 42 days per calendar year (inclusive of the proposed practice days). This would represent an increase of 9 days, equating to an approximate 27.3% increase in percentage terms.
2. An increase in the overall permitted number of hours of racing from 423 hours to 524 hours per calendar year (inclusive of the proposed practice days). This would represent an increase of 101 hours, equating to an approximate 23.9% increase in percentage terms.
3. An increase in the overall permitted number of racing weekend days from 33 days to 34 days per calendar year. This would represent an increase of 1 day, equating to an approximate 3% increase in percentage terms.
4. A redistribution of, with a potential maximum increase in, the overall permitted number of Sundays for racing from 9 Sundays to 17 Sundays per calendar year. This would represent an increase of 8 Sundays, equating to an approximate 89% increase in percentage terms.
5. Shorter hours of racing by 1 hour with an earlier 5.00pm finishing time (instead of 6.00pm) on Saturdays.
6. An unchanged number of operating hours on Sundays with the proposed earlier finishing time of 5.00pm (instead of 6.00pm as currently permitted) offset by the loss of the current 11.00am to 12 noon prohibition on racing.
8. Racing on 5 Fridays per calendar year where no Friday racing is permitted at present, thus enabling 5 'three day' weekend events per year.
9. Racing practice sessions on 3 further days per calendar year, at a lower noise level, where none is permitted at present.
10. In the event of successive race weekends being scheduled, these would be followed by the minimum of an equivalent number of successive non-race weekends. There is a similar 'gap' between race weekends in place at present in the form of restrictions upon the first two Saturdays of each month.

### Impact on Residential Amenity

Paragraph 198 of the National Planning Policy Framework (NPPF) requires that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of, among other things, pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from development.

In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life

- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

These provisions are reiterated to some extent by those of Policy EN14 (Control of Pollution) of the adopted Local Plan that preclude development that would result in unacceptable levels, either to residents or the wider environment, of various forms of pollution, including noise.

In addition, Policy D1 (Design and Local Distinctiveness) only permits proposals where, among other criteria, they do not adversely affect the amenity of occupiers of 'adjoining' residential properties.

It is acknowledged that the overall increase in the number of days and hours during which race (including practice) events at the Raceway would take place would correspondingly result in the potential for increased incidences of noise intrusion to local residents, principally those at Sheldon where the highest concentration of the nearest (residential) noise receptors is located.

It is also recognised that such an increase could be particularly sensitively received during Sunday racing given the proposal to (arguably) significantly increase this to essentially the equivalent of one event every third Sunday throughout the year from the current permitted level of one event around every 6-7 weeks.

Notwithstanding, the consultation comments provided by the Council's Environmental Health Officers (EHOs) have been informed by a comprehensive review of the applicants' Noise Impact Assessments, Technical Advice Notes and, critically, the submitted NMP which is seen as the key tool for maintaining control over the operation of the Raceway going forward.

This exercise has ensured that the submitted documents were robust, proportionate to the proposals and prepared in accordance with relevant guidance, standards and national and local planning policy.

The review has also assessed the noise assessment methodology, baseline noise measurements, the current S.106 agreement, specific kart noise data, meteorological conditions, noise modelling assumptions and the identification of appropriate noise-sensitive receptors.

The potential significance of noise impacts arising from race and leisure karting has been evaluated in terms of effects on residential amenity. Where potential impacts have been identified, appropriate mitigation measures have been recommended for inclusion within the NMP.

This evidence-based approach has sought to balance the operational benefits of the Raceway with the need to protect nearby communities from significant adverse noise effects.

In addition, EHOs have undertaken nine subjective noise assessments based on human perception, using terminology drawn from the Noise Policy Statement for England to determine the 'observed noise effect' level.

These assessments have confirmed that, for most race days, karting noise was audible within the local soundscape but not intrusive and was therefore classified as falling within the 'No Observed Adverse Effect Level'.

However, under south-easterly wind conditions, increased noise levels were identified and classified within the 'Lowest Observed Adverse Effect Level'. The Planning Practice Guidance identifies the 'Lowest Observed Adverse Effect Level' as the point at which "...the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard". It is important to note that these issues occur under south-easterly wind conditions but the prevailing wind direction is from the south west. The measures in the NMP then seek to mitigate these impacts which will in themselves be infrequent.

It has been concluded therefore that, subject to compliance with the NMP, including mitigation measures, event frequency controls, review of noise management at the Local Planning Authority's discretion and a complaints procedure, noise impacts are likely to remain low and acceptable in terms of effects on residential amenity overall.

Critically, such impacts are not thought to be intrusive to the point that they would constitute a statutory noise nuisance.

However, and for balance, it does need to be recognised that the EHO assessment does not differentiate between arguably more 'noise sensitive' days, such as Sundays on which the frequency of kart racing would be materially increased relative to the level of racing permitted at present, and other (again arguably) less 'noise sensitive' days of the week.

Conversely in turn, there is an argument that the proposed overall increase in the number of operational days per year needs to be considered in the context of percentage terms. In this regard, the current pattern of permitted racing activity, at 39 days, occupies around 9% of the calendar year. The proposed increase to 42 days would amount to approximately 11.5% of the calendar year, thereby representing an increase of 2.5%. Over 320 non-racing days per year would remain.

#### Impact on National Landscape/Tranquillity

All relevant authorities, including local planning authorities, have a statutory duty (the 'Protected Landscapes duty') to 'seek to further' the statutory purposes of Protected Landscapes, of which NLs are one and for which the statutory purposes are conservation and enhancement of its natural beauty.

The duty is intended to ensure that the purposes for which Protected Landscapes are designated are recognised in decision-making and undertaking activities that impact these areas.

National Planning Practice Guidance states that 'consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.'

In fulfilling the duty, the guidance also requires, among other things, that, so far as is reasonably practicable, authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.

It recognises tranquillity as one of these special qualities/key characteristics.

The consultation comments provided by the Blackdown Hills National Landscape Partnership (BHNLP) reiterate the primary purpose of the NL designation to conserve and enhance natural beauty; furthermore, that national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty.

This is reflected in the relevant guidance set out within paragraph 189 of the NPPF and the provisions of Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs) which only permit development where, among other things, it conserves and enhances landscape character.

It is also further supported by the Blackdown Hills AONB Management Plan (2025-2030) (MP) which also forms part of the agreed policy framework for conserving and enhancing the designated NL and seeks to ensure that all development affecting the area is of the highest quality.

Whilst it is recognised that the proposals would not in this instance result in any impacts upon the **physical** character of the NL, the extent to which its tranquillity should be considered as an element of the statutory duty requires careful consideration; not least in light of the statutory Protected Landscapes duty referred to above.

In this regard, among the MP's provisions is Policy PL17, considered the most relevant, the provisions of which seek to 'promote and protect tranquillity....by minimising intrusive noise and development.....that may undermine the intrinsic character of the National Landscape'.

In this case it is also necessary to have regard to the nature of the existing wider acoustic environment, principally in regard to the aviation activity generated by the adjacent airfield along with the existing permitted levels of karting activity at the Raceway itself.

It is contended by the applicants that the area is already currently characterised by a level of intrusiveness from these noise sources. As such, the extent to which the proposals may further impact the local area would be limited owing to the perceived modest number of additional days across a calendar year as a whole that race karts would operate and the focus of the majority of this increase upon the 'least sensitive' weekdays.

It is also thought that the proposed increase in the number of leisure karts permitted would not result in a tangible adverse impact on tranquillity when operated in accordance with the NMP. This is on account of these being electric karts and the

lower noise level thresholds to which they are subject under the existing section 106 agreement.

Furthermore, as per the assessment as to the impact of the proposals upon the living conditions of residents set out above, it is argued that the audible noise levels from race karting are within the agreed track noise limits that have been determined by EHOs not to be intrusive or to constitute a statutory noise nuisance.

The test in terms of the National Landscape and tranquillity is slightly different to that of residential amenity. The topography also means that the noise levels experienced on race days in the surrounding landscape vary between locations. The nearest public rights of way run from Sheldon village heading north while others are located to the north and east of the raceway. These are all over 900m from the track. While users would expect a certain level of tranquillity noise from the raceway may be audible particularly given the lower ambient noise levels. It is however a living and working environment where noise from agriculture and other activities is to be expected. The noise of tyre squeal and engine noise is however more alien when it is audible.

It is worth noting that while there is a history of noise complaints and action being taken against noise issues at this site these have related to the impacts on residents at Sheldon rather than on the National Landscape.

As such, the context for the proposed changes on relative tranquillity can be summarised as an extra 9 days a year that race kart operations may be audible, but not at a level as to be intrusive, particularly given that 3 of these days would be at a reduced noise level in comparison with the other 6 days. However, the levels of tranquillity within this part of the National Landscape would be reduced on those days.

It may also be contended that the specific 11.00am-12 noon 'church hour' prohibition of racing is no longer required, at least in relation to St. James' Church at Sheldon whose Sunday services are now, for the most part, understood to be held at 9.30am.

The counter arguments to these, which to a large extent reflect the concerns raised by the Blackdown Hills NL Team, are that:

- the special qualities of the designated NL include its tranquillity and attention should be given to noise and activity arising from developments so to avoid having an adverse impact on this
- in light of the statutory duty set out above, crucial to consideration is whether the proposals contribute to further conservation and enhancement of the area's natural beauty, including the impact on relative tranquillity
- acoustically, the characteristics and duration of aircraft noise generated by activity at the airfield do not bear comparison with that of kart racing for the purposes of assessment as to their degree of intrusiveness to, and impact upon, receptors
- any increase in the number of race days plus the potential for up to 24 karts driving round for 12 hours a day proposed can only result in greater noise for a longer duration, more often, which, together with associated traffic generation, will adversely impact on the special qualities of the designated NL

The Protected Landscapes duty is wide ranging and encompasses all decision making that affects the National Landscape. The guidance on operating the Protected Landscapes duty in terms of development is more readily applicable to built developments where the impacts are physical and permanent. In this case the impacts are to tranquillity alone and the frequency of occurrence and time periods over which they would occur would be limited. The guidance states that “Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised”.

This is a difficult balance to strike. The requirement to seek to further the purposes of the National Landscape is a difficult one to meet. Given the absence of objection to the proposed revised arrangements from the Council’s EHOs, the limited number and percentage of days per year on which racing is currently permitted alongside the number of additional days and the percentage of the total in the context of a calendar year, there is concern that objection on the basis of a material increase in the effects on the tranquillity of the NL may be difficult to substantiate in the event of any appeal against refusal to vary the existing permissions.

#### Commercial Viability

The agents for the applicants have advised the following:

The proposed changes to the Raceway operation form a key part of wider changes which have been put in place since the applicant took over ownership in 2023. Collectively, these changes are intended to reverse the previous pattern of decline and to put the Raceway onto a secure commercial footing for the future. These changes are aimed at:

- Improving the wider running and efficiency of the business and ensuring compliance with best practice in order to secure accreditation by Motorsport UK, the national governing body for karting. Such changes allow the Raceway to hold national level karting events for the first time and this will help provide prominence and certainty for the operation into the future.
- Increasing the recognition and exposure of the Raceway across the UK as a venue for karting events so that it is seen as nationally important venue. The Motorsport UK accreditation and the pattern of events allowed for within the agreed Noise Management Plan (NMP), and which allow Motorsport UK accredited events to be scheduled, are key elements of this strategy. For example, the additional weekends and the ability to schedule a limited number of three day (Friday - Sunday) weekends are key to this strategy and will encourage repeat visits from karting teams and supporters.
- Increasing opportunities for local groups to participate in karting. To this end, the Raceway has entered into partnership arrangements with the Exeter Chiefs programme for disadvantaged youths and with Devon MIND, with groups from these programmes attending to participate in karting events. The Raceway now also supports various educational programmes including the Green Power electric car project with Queens College in Taunton and the Road Tax programme.

This approach is already showing some success. Prior to 2023 when Mr Gavryliuk acquired the business, the Raceway only had one full time employee plus a limited pool of casual workers to assist during specific events. Today, the Raceway has six full time employees, seven part-time employees, one contractor and 26 casual workers who are paid to act as marshals and similar during events.

The changes proposed as part of the current applications will allow the Raceway business to develop further, increase its prominence within the karting community and crucially will provide the certainty needed to secure a reliable programme of race events, supported by Motorsport UK and others and which will then underpin the commercial success of the operation.'

Whilst these benefits to the Raceway are recognised, it is not thought that they offer any significant demonstration that the proposed variation in the pattern of activity, incorporating the level of expansion in terms of the numbers of race events and the increase in the number of leisure karts that it would facilitate, would be essential or even necessary to address any specific issues with regard to the commercial viability of the present operation.

In the wider planning balance therefore, it is not considered that significant weight can be given to the points raised in this regard.

#### Contribution to Tourism Economy

In relation to this issue the agents for the Raceway have advised as follows:

'The Raceway makes a significant contribution to East Devon's visitor economy. For example, each two day race weekend will now typically attract between 800 and 1,000 visitors to the area, with these being made up of race teams (drivers, mechanics), family groups and supporters. Of these, only around 10% will stay on-site at the Raceway (camping or in mobile homes) with the rest using accommodation in the local area. Visitors will use bed and breakfasts and AirBnBs in surrounding villages such as Dunkeswell, Broadhembury and Sheldon and hotels in local towns, notably Honiton and also at Lakeview Manor in Dunkeswell. In addition to using overnight accommodation, visitors will also use the local shops, pubs and restaurants in the area and this patronage will add to the contribution which the Raceway makes to the local economy.

The Raceway also has an in-house food and beverage offering with a café/bar which employs two members of staff and an apprentice. Amongst other services, the café/bar offers Sunday lunches which are increasingly well attended by local people and visitors.

Finally, it is worth noting that the Raceway also uses a range of local contractors in the local area, all of whom are based in the Dunkeswell area, including electricians, drainage engineers and a steel fabricator. Timber and tarmac is sourced from a local farm.

The changes proposed will increase the contribution which the Raceway makes to the local economy by increasing the prominence and level of patronage at events

and the potential for repeat visits through the development of a regular and well known programme.

In recognition of the contribution which the Raceway makes to tourism in the area, the Devon Attractions Board have now (effective from the end of November 2025) made the Raceway an approved attraction and will be added to their list of tourism attractions. This is a strong endorsement of the Raceway's credentials as an important tourism business in Devon.

This aligns with the objectives within the National Landscape Management Plan (Section 5):

- to support local markets and products (Policy PE5)
- to increase the economic capacity of the area, employment and skills (Policy PE6).
- Tourism objectives which include increasing income from visitors for local business for both day and staying visitors, lengthening stays, encouraging visitors into the area and improving connection between attractions and other areas of East Devon (see Policy PE7 and paragraph 5.7.4).

These points are duly noted and need to be factored into the overall planning balance.

#### Noise Management Plan/Section 106 Agreement and Enforceability

Much local concern has been raised in relation to the enforceability of controls over future patterns of activity and operations at the Raceway proposed via the NMP - along, possibly, with a revised section 106 agreement - when considered against that of the 2010 legal agreement that is in place at present.

The Section 106 agreement from 2010 is unusual in terms of seeking to control noise activities at a site through a legal agreement which can only be enforced through an injunction via the courts with associated timescales and costs and because it came about long after permission was granted having resulted from action against an alleged statutory noise nuisance.

As part of officers' assessment of the current proposals, which are seen as providing a useful opportunity to review and potentially implement a new noise management regime, a legal Opinion has been sought from Counsel as to the most appropriate way in which to manage noise impacts from the use of the site.

This Opinion considers the suggestion of control over noise by way of an NMP to be sensible, especially given that the activities at the site are currently governed by a series of different planning permissions and the Section 106 agreement which in combination form a complicated and confusing framework for enforcement.

Such a plan could cover all motorsport uses, although consideration could also be given to the imposition of conditions in respect of certain limitations that it contains (for example, in relation to the overall number of days' racing permitted and to the applicable noise limits) with other more detailed matters being dealt with through the NMP.

It is further considered that compliance with an NMP could reasonably be controlled either by way of a condition or a planning obligation.

The Opinion highlights that Planning Practice Guidance suggests that conditions should be used in preference to obligations. The advantage of a planning condition is that, in the event of a breach of the noise management plan and thus a breach of condition, the Council would have additional enforcement powers available to it by way of comparison with a planning obligation and, in particular, would be empowered to serve a breach of condition notice, which can be an effective means of dealing with breaches of planning control. It is worth noting that there is no direct right of appeal against a breach of condition notice and they can take effect after 28 days.

A planning obligation could provide a more flexible means for enabling variations to the NMP to be made. However, unless there were detailed provisions in the planning obligation which would enable the Council to unilaterally make amendments to the NMP (which would also require dispute resolution clauses), it is likely that any changes to the Plan would need to be the subject of agreement between the parties.

Counsel is of the view that there is no particular 'legal' advantage to securing the necessary control/restrictions either by way of a planning obligation or conditions.

In light of this Opinion, it is thought by officers that a scenario whereby planning conditions are applied to secure compliance with the NMP could enable more direct enforcement via breach of condition action.

This is in contrast to the present situation where any breaches of the existing legal agreement can only be challenged by means of an injunction, the seeking of which from the Courts involves lengthy processes and procedures.

It is also thought to lack flexibility, whilst the use of the NMP provisions as a tool to control the activity of the Raceway would, as written in this case, enable more periodic review and, where necessary, changes to the agreed parameters whilst ensuring that the requisite level of control can be retained by the Council so as to prevent or, where necessary, mitigate against noise intrusion above agreed levels.

The merits of the proposals aside, therefore, it is considered that there is an argument that the proposals would represent a positive opportunity to strengthen, rather than weaken, the Council's ability to more directly enforce controls over the operation of the Raceway in the event of approval.

### Other Matters

There has also been considerable local concern expressed in regard to alleged breaches of the current section 106 agreement, not least in relation to Friday racing.

Whilst there is empathy with the annoyance and frustration that this has prompted among local residents, it should be emphasised that it cannot be held as a material consideration for the purposes of assessment of the current proposals to which any weight can be attached.

There are appropriate procedures in place for addressing alleged breaches that are within the Council's discretion to exercise. Residents have expressed frustration regarding the lack of action against breaches of the Section 106 agreement last year, however it was not considered to take action while the current applications were under consideration. This approach was considered to be in accordance with the Council's adopted Planning Enforcement Plan.

### Planning Balance

In summary, it is thought that the various factors in favour of and against the proposed changes to enable the pattern of karting activities/events at the Raceway may be summarised in point form as follows:

For

- Introduction of NMP (and S.106 agreement) will strengthen existing controls/review mechanisms and enable enforceability of the former via condition
- Unchanged permitted noise limits from the current S.106 agreement
- Limited overall percentage of race days and limited rise from 9% to 11.5% days racing/practice per calendar year with over 320 non-racing days remaining
- Existing acoustic environment includes noise from adjacent airfield and therefore noise from Raceway activities should be assessed in this context
- Assessment by EHOs has concluded that, although audible, noise during race events is not considered intrusive to residents in line with PPG on Noise
- Anticipated change in noise exposure to remain within 'minor' impact category with no significant adverse effects through the proposed increase in operational days or kart numbers
- Reduced practice day noise limits (80db)
- Earlier race and practice session finishing times and shorter Saturday operating hours
- Better balance in quiet periods to match race periods
- Tourist/economic benefits to area from increased activity/events
- Doubling of number of permitted leisure karts within currently permitted noise limits subject to time limits for specific numbers in a session as set out in the NMP

Against

- Overall increase of 27.3% in number of race days, including re-distribution/near doubling of 'more sensitive' Sundays, over that currently permitted (max. 17 per year v. 9 currently)
- Overall increase in permitted hours of racing per year (including practice days) from 423 to 524 hours (23.9%)
- Increased in weekend days racing by 1 day (3%)
- Additional racing on 5 Fridays per calendar year where no Friday racing is permitted at present, thus enabling 5 'three day' weekend events per year (none permitted currently)
- Racing practice sessions on 3 further days per calendar year at a lower noise level (none permitted currently)
- Increased potential for greater overall impact upon residents' amenity through increased numbers of days and hours of racing/operation, including 'more sensitive' Sundays

This is considered a balanced case with persuasive arguments both in favour of and against the proposed expansion of, and revisions to, the approved patterns of karting activity at the Raceway.

It is also recognised that a balance will always need to be reached between the levels of karting activity - including racing which has been historically the principal source of concerns in regard to noise - that it hosts and the impact upon the living conditions of residents and the wider character, in particular the tranquillity, of the NL.

The requirement to further the purposes of the National Landscape is a key consideration here. While there would be a very minor loss of tranquillity overall given the likely noise impact and frequency of its occurrence this needs to be balanced against the economic and tourism objectives of the MP which the proposals would positively address.

The fundamental test in this case is whether an **appropriate** balance would continue to be maintained in regard to these matters.

Having regard to the above, it is felt that the overall balance weighs marginally in favour of allowing the proposed revisions to the pattern of karting activity.

This position in particular acknowledges:

- the absence of objection to the proposals from the Council's EHOs in regard to noise nuisance and impact upon the living conditions of residents
- the broader context in terms of the ratio of racing to non-racing days throughout the year
- the 'trading' of an increase in the number of race days for more neighbour-sensitive finishing times
- the view that the NMP, via planning condition, **can** effectively ensure more robust control over, and enforcement of, the appropriate management of events and activities than exists at present, with or without a fresh legal agreement in place

The proposals have been the subject of close scrutiny by the Council's Environmental Health Officers who conclude that the karting activity at the Raceway does not constitute a statutory noise nuisance and, furthermore, that this situation would not be altered as a result of the proposed operational changes that are being sought provided that the controls and assessment/review processes set out within the NMP are adhered to.

Their position has been informed by a comprehensive review of the applicants' Noise Impact Assessments, Technical Advice Notes and, critically, the NMP itself, which is seen as the key tool for maintaining control over the operation of the Raceway going forward.

In the light of this, it is maintained that objection to the proposals on noise and NL tranquillity grounds would be difficult to support, albeit it is fully recognised that the proposals would increase the numbers of days' racing activity at the circuit, including Sunday racing days. However, given the current levels of activity in terms of the

overall percentage of days per year that it is conducted, alongside the comparatively modest level of increase proposed in the context of the number of days in a year, on balance it is felt that the proposals would be acceptable.

It is therefore recommended that all three VAR applications be permitted with the relevant conditions removed and/or amended and replaced with appropriately worded conditions to require compliance with the NMP.

Alongside this, it is also considered that the 2010 legal agreement can be discharged since its provisions would otherwise be at odds with those of the NMP and these fresh permissions, if granted.

Conversely, should Members be minded to resolve to refuse the VAR applications (i.e. effectively maintaining the status quo as regards the existing controls over the patterns of activity at the Raceway), it follows that the discharge of the existing legal agreement should also be refused.

Overall therefore, it is considered by officers that the proposed changes to the pattern of karting operations at the Raceway would be acceptable subject to conditions being attached to each of the planning permissions to secure compliance with the submitted NMP. The other conditions attached to the historic permissions (i.e. that are not proposed for removal or variation) are reiterated.

It is also recommended that the current 2010 section 106 agreement be discharged so as to avoid conflict between the obligations that it contains and the conditions attached to the 'new' variation permissions.

## **RECOMMENDATIONS**

### **25/0382/VAR**

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. The extended track as permitted shall only be used under the same terms and conditions as the existing track, namely for;
  - a) time trials
  - b) go-karting
  - c) sprints (other than connected with drag racing)
  - d) and excluding drag racing, auto cross and grass track racing.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining,

Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

3. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

4. No amplifier, loudspeaker or public address system shall be used at any time.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

#### **25/0383/VAR**

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. The extended track as permitted shall only be used under the same terms and conditions as the existing track, namely for;

- a) time trials
- b) go-karting
- c) sprints (other than connected with drag racing)
- d) and excluding drag racing, auto cross and grass track racing.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

3. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)
4. No amplifier, loudspeaker or public address system shall be used at any time.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

**25/0384/VAR**

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. The management and operation of Dunkeswell Raceway shall be carried out strictly in accordance with the measures for the management of noise and their review and the complaints procedure as set out in the Noise Management Plan (report ref.: AS13341.250129.NMP.V1.8.docx) dated 10th October 2025 prepared by Dunkeswell Raceway and Restaurant and Clarke Saunders Acoustics.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)
3. No more than 24 karts shall be in use on the circuit at any time.

(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

4. No amplifier, loudspeaker or public address system shall be used at any time.  
(Reason - In the interests of protecting the amenities of residents in the area and the character of the designated Blackdown Hills National Landscape in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031 and Policy NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish) of the made Dunkeswell Neighbourhood Plan 2014-2031.)

### **25/0944/V106**

That the Section 106 Agreement dated 6<sup>th</sup> July 2010 be discharged

#### **Plans relating to these applications:**

Location Plan      Restricted plans and 20.02.25  
documents

#### **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.

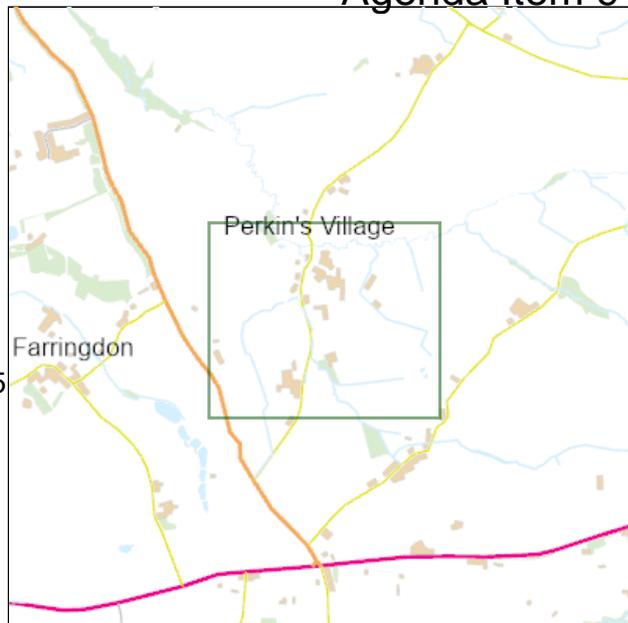
**Ward** West Hill And Aylesbeare

**Reference** 25/0368/MFUL

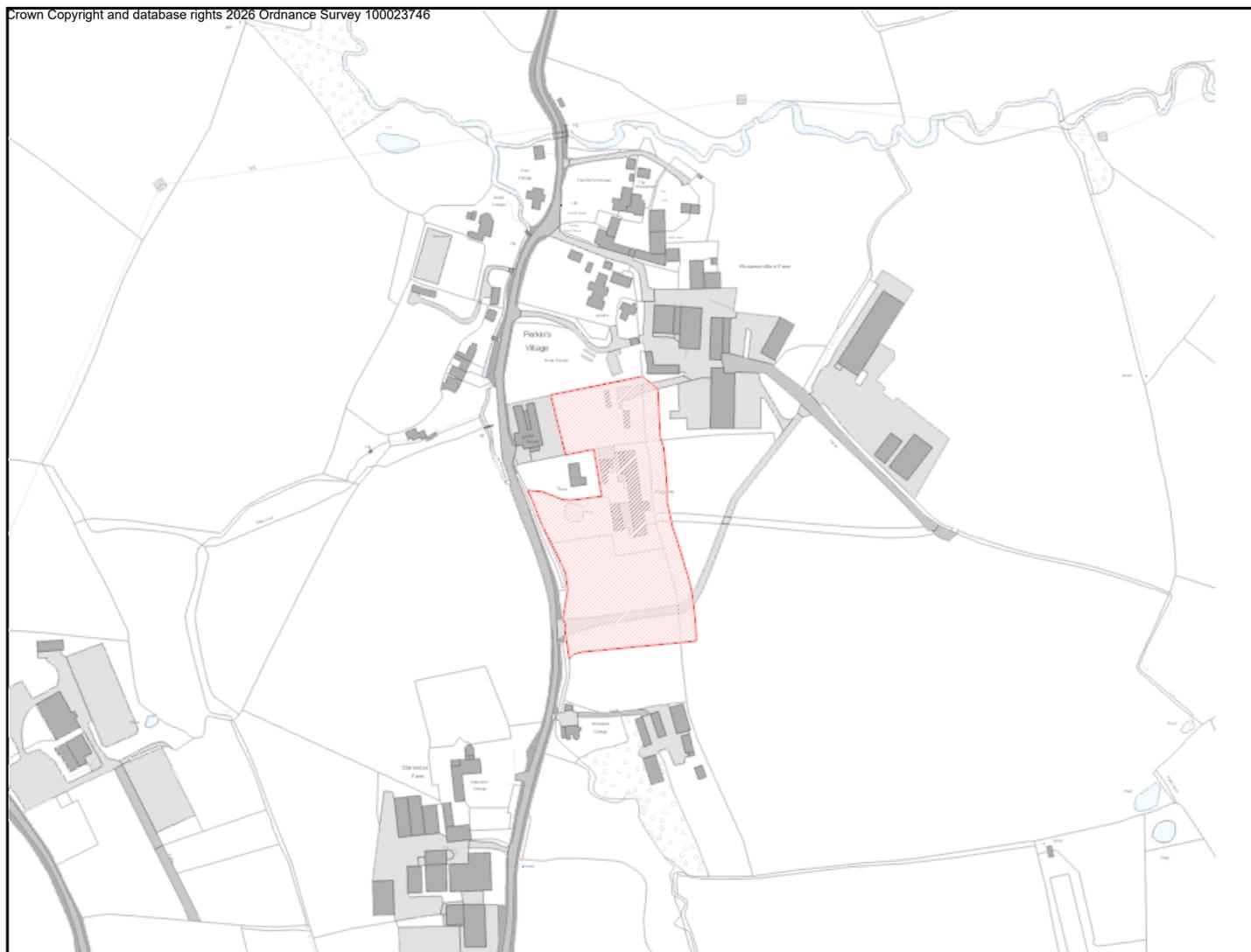
**Applicant** Mr Sam Slade

**Location** Rosamondford Farm Perkins Village Devon EX5 2JG

**Proposal** Construction of four dwellings, formation of new access track and associated landscaping



**RECOMMENDATION: Refusal**



		<b>Committee Date: 24.02.2026</b>
<b>West Hill And Aylesbeare (Aylesbeare)</b>	<b>25/0368/MFUL</b>	<b>Target Date: 25.06.2025</b>
<b>Applicant:</b>	<b>Mr Sam Slade</b>	
<b>Location:</b>	<b>Rosamondford Farm Perkins Village</b>	
<b>Proposal:</b>	<b>Construction of four dwellings, formation of new access track and associated landscaping</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application must be considered by the Planning Committee because the officer recommendation is in conflict with comments received from the Parish Council.**

**The application seeks approval for four detached dwellings using the previous Class Q approval as a fallback position. The relevant case law clarifies that the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented. Given that the existing prior approval expires on 13th February 2026 it is not considered that the fall back is a realistic prospect. It is not clear that the prior approval scheme previously approved would comply with the requirements of the General Permitted Development) (England) Order 2015 as amended on 21/02/2024 which requires dwellings to comply with the Nationally Described Minimum Space Standards in terms of dwelling area and minimum headroom. As such it is not considered that the fall back position could be relied upon.**

**Irrespective of the fall back position however, the proposal gives rise to a number of concerns regarding wider negative impacts. The proposed application site is three and a half times larger than that of the prior approval red line site boundary, and in the absence of any public enhancements or benefits of the scheme over the fall back position, there is no fall back position for this extent of development on a plot of this size. There is therefore no overriding material consideration upon which to base any departure from local plan policy.**

**In comparison to the previous grant of prior approval scheme, the proposal would lead to harm to the character and appearance of the area through the suburban character of the proposed development, and large expanses of glazing in contrast to the low form and agricultural nature of the existing buildings.**

In terms of the presumption in favour of sustainable development, the moderate benefit of adding four additional dwellings to the housing supply and the benefits of the proposal to the local economy attract moderate weight in favour of the proposal. In the absence of a fall back position the proposal would not be in a suitable location having regard to the development plan policies aimed at ensuring the accessibility and sustainability of new residential development. The proposal would also be in conflict with polices that require development to respect the key characteristics of the area. As such the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.

Given the above, the proposal would be contrary to policies contained within the Local Plan and is therefore recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Aylesbeare Parish Council supports this application.

### **Technical Consultations**

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

No safeguarding objections

#### County Highway Authority

No objection subject to conditions requiring a CEMP and secure cycle storage

#### Contaminated Land Officer

No objection

#### DCC Flood Risk Management Team

24.04.2025 – Objection

23.07.2025 – Objection

12.02.2026 – No objection subject to condition

#### EDDC District Ecologist

20.06.2025 - Objection

03.09.2025 – Objection

20.11.2025 – Objection

Natural England

No objection

Environmental Health

No objection subject to a condition upon site working hours

EDDC Trees

No objection subject to a condition requiring a LEMP to secure ingoing management of hedgerows and a further condition in respect of tree protection.

Other Representations

No third party representations have been received.

**PLANNING HISTORY**

- |                    |  |
|--------------------|--|
| <b>22/2796/PDQ</b> | Conversion of agricultural barn to residential (permitted development rights Q class). Approval 13.02.2023 |
| <b>22/1471/FUL</b> | Retrospective application for enlarged field gate. Approval 15.11.2022                                     |
| <b>23/0430/FUL</b> | New main entrance and access track for Rosamondford Farm. Approval 13.06.2023                              |

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**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN14 (Control of Pollution) Adopted

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

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) Adopted

Aylesbeare Neighbourhood Plan (In Preparation)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft  
Strategic Policy AR01 (Flooding) Draft  
Strategic Policy DS01 (Design and local distinctiveness) Draft  
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft  
Policy TR04 (Parking standards) Draft  
Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft  
Strategic Policy OL01 (Landscape features) Draft  
Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft  
Strategic Policy PB04 (Habitats Regulations Assessment) Draft  
Strategic Policy PB05 (Biodiversity Net Gain) Draft  
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft  
Policy PB08 (Tree, hedges and woodland on development sites) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site is within the hamlet of Perkins Village, about 8 miles east of Exeter and 1.6 miles from the village of Aylesbeare. The application site sits on the eastern side of an unclassified lane which runs north to south. Rosamunde Farm lies some distance north of the site.

The site comprises a number of former agricultural buildings which are accessed via a curved track from the unclassified road. The site is surrounded by arable fields and is bordered by a hedgerow to the north and a native devon hedge bank containing a number of significant trees along the eastern site boundary.

The access road to the north of the site is within flood zone 3, however the site itself is within flood zone 1. No formal landscape designations apply to the site. Perkins Village does not have a Built up Area Boundary.

Proposed Development

The site benefits from consent for the conversion of the existing agricultural barn into 5 single storey dwellings, with the consent due to expire on 13.02.2026.

Approval is sought for the replacement of the existing farm building and its replacement with four detached dwellings.

The dwellings within the approved Class Q scheme would have the following areas: Unit 1 - 2 bed, 56 square metres , Unit 2 - 2 bed, 95 square metres, Unit 3 - 3 bed, 91 square metres, Unit 4 - 2 bed, 93 square metres and Unit 5 - 2 bed, 60 square metres, giving a total built area of 395 square metres.

The submitted scheme looks to replace the barn proposed for conversion with four detached single storey dwellings. Plots 1, 2 and 4 are three bedroomed dwellings with an area of 133 square metres, and Plot 3 is a 4-bedroom dwelling with an area of 133 square metres.

The proposed dwellings are relatively long and narrow with duo pitched roofs, eaves heights of 2.6 metres and ridge heights of approximately 5.7 metres.

Proposed roofs are in slate, with velux rooflights and areas of solar panels. Windows and doors are proposed in an anthracite colour, the material of which is not stated. All of the dwellings have significant glazing to the gable ends, extending to the apex. The elevations comprise a mixture of vertical timber boarding to plots 1, 2 and 3, and plot 4 is indicated as being finished in white render.

The proposed dwellings would be accessed off a new access and driveway to the south approved under applications 22/1471/FUL and 23/0430/FUL. Plots 2, 3 and 4 are laid out in a loose courtyard arrangement at 45 degrees to the orientation of the existing barn. Plot 1 lies parallel to plot 2 further south on the site. The proposed layout would allow each dwelling to have a private rear garden, with hard standing and two car parking spaces provided to the front of each dwelling.

### Analysis

The principal issues for consideration are the principle of development, the impact of the proposal on the character and appearance of the countryside and whether the site is in a suitable location for new housing.

### Principle of Development

In planning terms, the site is in the countryside, outside of a Built-up Area Boundary (BuAB) as defined by the East Devon Local Plan. Development is only permitted under the provisions of Strategy 7 'Development in the Countryside' where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity, and environmental qualities within which it is located. There is no Local Plan policy which would permit a new build open market dwelling outside of the BuaB.

However, the fallback position in light of the prior approval for the conversion of the existing barn into five dwellings must be considered. The relevant case law, *Mansell v Tonbridge and Malling BC*, concluded that a fall-back position could be considered whereby permitted development rights such as those under Class Q of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) could be considered as a material consideration.

However, the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented.

The LPA contend that there is not a realistic prospect of the Class Q permission being implemented. The current Class Q approval was granted on 14.02.2023. The conditions of the approval required that the scheme should be completed before the expiration of three years from the date of the grant of approval. The approval also conditioned that the development must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of The Conservation of Habitats and Species Regulations 2017. No regulation 77 application has been made to the Local Authority and the application would require consultation with Natural England for 21 days.

Since the scheme was approved, the site has become increasingly overgrown. The amount of vegetation on site made an inspection of some areas of the exterior of the existing buildings quite difficult. The buildings have been exposed to the elements for a further three years since the original prior approval application was submitted and from a limited visual inspection appear to be in a relatively dilapidated condition with areas of cladding missing. At the northern gable end of the building the roof covering is not intact therefore the roof structure will have suffered from water ingress. Likewise, the southern gable to the taller section of roof is also exposed as a result of the cladding having fallen away. The western end of the structure is also subject to significant ivy growth up the elevations of the building and above eaves level, preventing a visual inspection of the building and preventing gutters from functioning. Officers have not been presented with any evidence confirming that in the event that planning permission were to be refused, the applicant could implement the planning permission granted by Class Q to convert the barn into five dwellings.

At the time of writing, the existing approval allows a further 3 weeks for the completion of the development, which is not considered a realistic prospect. Since the Class Q scheme was approved, The Town and Country Planning (General Permitted Development) (England) Order 2015 was amended on 21/05/2024 and now requires schemes for change of use to comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The approved scheme has two dwellings which fall below this standard.

Unit 1 of the approved scheme is a 2 bed four person dwelling with an area of 56 square metres, and Unit 5 of the approved scheme is a 2 bed four person dwelling with an area of 60 square metres. The nationally described minimum space standard for a single storey 2 bed four-person dwelling is 70 square metres.

The nationally described space standard also requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area of any dwelling. The building has very low eaves heights and it is not clear that this standard would be satisfied.

In this instance therefore it is not clear that there would be a realistic prospect of the prior approval scheme being implemented.

Even though the LPA considers there is not a realistic prospect of implementation of the Class Q scheme, an assessment has been made in respect of whether the alternative new-build proposal offers a comprehensive package of enhancements over and above the fallback position, i.e. betterment. However, if there are no identified enhancements or the combined enhancements are considered to not outweigh such conflict with the Development Plan, the development should be refused.

Therefore, an assessment will follow as to whether the proposal would provide for a better designed development with environmental and ecological enhancements in comparison to the approved prior approval scheme.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 3.5 years.

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

#### Design impact on character of site including landscape impact

The existing building is a former piggery and is a single storey timber framed structure measuring 57m by 8m, with mainly rendered blockwork walls under a pitched corrugated fibre cement roof. The approved Class Q scheme indicates windows being inserted into existing openings and several entrance doors being introduced to the elevations. Being single storey the building has a very low impact upon the landscape, with eaves heights varying from 1.9 - 2.1 metres, with a taller central section at 2.6 metres, and with a ridge height that varies from 3.5 metres for most of the length of the building to 4.0 metres at the taller central section.

The building runs parallel to the road and is set back approximately 60 metres east of the unclassified road that runs through Perkin's Village. The fields slope up from the road to the agricultural buildings, and the recessive colours of the farm buildings help the existing buildings to blend into the rural environment. The buildings are also seen against the backdrop of existing mature trees along the eastern boundary of the site.

The site falls within Landscape Character Type (LCT) 3B: Lower Rolling Farmed and Settled Valley Slopes as defined by the East Devon Landscape Character Assessment 2019. The area is characterised by a gently rolling landform, of predominantly pastoral farmland with many hedgerow trees. There are various ages and styles of buildings with the predominant building materials including stone, cob,

whitewash/ render, slate, thatch and tile. Larger agricultural buildings are noted as being prominent in the landscape but are considered part of a working farmed landscape.

The landscape guidelines for the LCT states that new development should be sensitive to existing road patterns and settlement form. The existing development within the hamlet is predominantly either parallel to the road or in a traditional courtyard arrangement as seen at Rosamunde Farm to the north, and there are a number of existing long linear buildings, both agricultural buildings and domestic dwellings, which includes the application building.

The proposal features four detached dwellings arranged at 45 degrees to the road, with plots 2, 3 and 4 forming a loose courtyard and plot 1 sitting parallel to plot 2. The plots are accessed off a shared drive with plots 1 and 2 having a 5.9 metre wide driveway running the length of the house, and plots 3 and 4 having a shared courtyard with dimensions of approximately 18 metres by 24 metres which includes parking for both dwellings.

The proposed scheme introduces four very contemporary designed detached dwellings. The elevational treatments comprise a mixture of slate roofs, vertical timber cladding and render which aligns with the characteristic materials seen within the LCT. The massing of the proposed buildings, with their simple linear form with duo pitched roofs responds well to the local characteristics but the proposed arrangement of the individual buildings within the site is rather suburban and does not respond to the overriding characteristics of the existing built form. The arrangement of the proposed dwellings on the site is more characteristic of holiday park accommodation rather than a sensitively designed rural development that would integrate into the existing settlement. The approved Class Q development represents a compact form of development, the form and massing of which is reflective of surrounding pattern of built form in the vicinity of the site.

The proposed layout means three out of the four of the dwellings would have gable ends facing towards the road. All of these gables feature significant glazed elements. The significant areas of glazing proposed to the street facing elevations would manifestly contrast with the low form and agricultural nature of the existing barn and the proposal would lead to the erosion of the rural character in the immediate area.

The rather contrived site layout has been borne out of trying to give each dwelling a private garden and driveway area. The existing approval allows for the development of a total of 395 square metres of accommodation (Unit 1 - 56 square metres, Unit 2 - 95 square metres, Unit 3 - 91 square metres, Unit 4 - 93 square metres and Unit 5 - 60 square metres). The proposed scheme by contrast would provide 532 square metres of accommodation, an increase of 137 square metres, which would represent a 35% increase in the approved floor area. There is no fallback for such an increase in residential accommodation at the site.

In addition, the red line site boundary of the approved scheme is 3,600 square metres, whereas the red line site boundary of the proposed scheme is 12,604 square metres, three and a half times larger.

NPPF Para. 135 states: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

As discussed above, the proposed arrangement of the buildings is not sympathetic to local character and history. The proposal also allows for a much lower density of development than the approved scheme. Planning operates in the public interest. All of the benefits are private, not public. There is no public betterment arising and therefore no fall-back position for this amount of development on a plot of this size.

As such, there is no overriding material consideration upon which to base any departure from local plan policy. The proposal is contrary to Strategy 7 and is unacceptable as a matter of principle

#### Sustainability / accessibility

Strategy 3 'Sustainable Development' advises the objective of ensuring sustainable development is central to our thinking and includes consideration of factors such as the prudent use of natural resources, which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. As such, developments which are heavily reliant on car travel are not considered sustainable. This is central to the spatial strategy and a new dwelling in the proposed area without adequate services and facilities to meet day to day needs is not supported under Strategy 3.

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

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

The site's location outside of any BuAB means that its location is remote from the main centres of population that provide a range of services to meet the day-to-day needs of residents. Strategy 5B and Policy TC2 of the Local Plan require

development to be located where it would encourage walking, cycling and the use of public transport so as to minimise the need to travel by car.

The site is accessed via a narrow unclassified road. The nearest bus stops are at the junction with the A376 which serves the 9 and 9A bus route, between Exeter and Seaton. The route offers regular services, but the bus stop is a 1km walk from the application site. No parts of the route to the bus stop have either footpaths or streetlighting.

Perkins Village does not have any facilities to serve the needs of residents. The nearest villages with a Built-Up Area Boundary with services, facilities and amenities to meet day to day living needs are either Clyst St Mary, just under 4 miles to the west by road, Woodbury, 3 miles to the south or Newton Poppleford, just over 4 miles to the east by road.

The National Design Guide states that walkable neighbourhoods with a mix of uses and facilities reduce demand for energy and supports health and well-being. Walkable neighbourhoods are defined within the National Design Guide as having facilities within a 10 minute / 800 metre walk. The proposed location would be in conflict with this guidance, as well as local plan policy TC2 'Accessibility of New Development' for all the journeys required by a household to access services and amenities. Residents of the development would need to travel to access essential facilities such as a GP surgery, shops, employment, and education, and as such reliance on a private vehicle would be high.

The existing grant of prior approval allows for five two and three bedroom dwellings on the site, as opposed to the four three and four bedroom dwellings proposed in this application. The number of trips generated to and from the site are likely to be comparable. However given the time left on this application prior to its expiry, in the absence of a 'fallback' position, the site is not considered to be suitably located for new dwellings having regard to the local development strategy.

Given the above the proposal would be contrary to Strategy 3, Strategy 5B and Policy TC2 of the Local Plan.

#### Residential / Neighbour Amenity

No concerns are raised in respect of contamination. Environmental Health have recommended a condition to restrict construction working hours should the scheme be recommended for approval, to reduce impacts to nearby residents.

The proposal would provide a good standard of residential amenity for future users. The proposal allows only 15.9 metres between the rear plot 2, which features significant glazing to the corner, and front of plot 1. However, the site plan indicates Devon Banks would be built between plots to ensure privacy. An appropriately worded condition would be required in respect of the details of any banking and hedging to ensure a good standard of residential amenity for future residents.

In terms of the impact on existing residents, the glazed gable of Plot 2 would be 20.0m from the rear elevation of the existing residential dwelling to the front of the site, which is considered acceptable.

Plot 4 would be within 17 metres from an existing building to the west which faces the road. The planning history of this building indicates it has in the past been used for Class B8 purposes. However given the distance between the proposed dwelling and this building, the intervening mature hedge, and the fact that no objections have been received to the application by Environmental Health, it is considered that the relationship of these two buildings would not lead to any adverse impacts to the amenity of occupants of proposed future residential properties.

With the appropriate condition in place in respect of working hours, the proposal would comply with Local Plan Policy EN14 and D1.

#### Highways, access and parking

The site would be accessed through an existing established farm entrance off the adjacent unclassified lane which was widened under application 22/1471/FUL. Visibility at the entrance is considered to be acceptable. A new private drive would be built off a new lane constructed under application 23/0430/FUL.

It is thought that the effect of vehicle movements generated by the dwelling on highway safety would be minor, particularly when considered in comparison to the type and nature of farm vehicle movements that would potentially be capable of being generated by the current agricultural use of the site. The proposal indicates two parking spaces per dwelling, which is in line with Local Plan Policy TC9. Policy TC9 also requires that at least 1 bicycle parking space should be provided per home. No provision has been made in this respect, although this could be dealt with via condition.

County Highways have no objection to the proposal but have recommended the provision of a comprehensive Construction and Environment Management Plan, in order to reduce the effects of construction upon the local highway network. This would also be imposed by condition.

With the appropriate conditions in place, the proposal would comply with policy TC7 and TC9 of the local plan.

#### Ecology / biodiversity

The application is supported by a Preliminary Ecological Appraisal by Devon and Cornwall Ecology, a further Ecological Appraisal by Richard Green Ecology, and a Habitat Suitability Index Survey Report by EPS Ecology.

Concerns were raised initially that inadequate survey work had been undertaken in respect of Greater Crested Newts. However, given the distance of the site from other ponds within the area EDDC's ecologist has confirmed that no additional HSI/eDNA surveys for great crested newts are required at this time.

Emergence surveys undertaken show that the main barn proposed for demolition is used as a day roost by common pipistrelle and soprano pipistrelle bats. A European protected species licence (EPSL) would therefore be required for the works.

The site is also noted as providing suitable habitat for other protected and notable species, including foraging and commuting badgers, dormice, reptiles, common amphibians and hedgehogs. The report includes a number of mitigation measures which include carrying out works (e.g., roof removal) under an ecological watching brief to ensure no bats are killed or injured, the installation of bat boxes on trees prior to works, a check for nesting birds prior to the removal of any shrubs (if works are undertaken between March and September), the protection of hedgerows during construction, cutting vegetation to a 10-15cm sward height to discourage reptiles and covering or providing ramps to excavations to prevent animals becoming trapped during the construction phase.

The report also recommends that external lighting to the development is conditioned to ensure minimal impact to light sensitive bats. At least three bird boxes are proposed as being installed to the new dwellings, and brash piles and log piles are proposed to provide refuge for reptiles on site. The design of external lighting should follow bats and artificial lighting guidance (BCT & ILP, 2023) to ensure minimal impact to light sensitive bats.

The LPA must consider whether a licence is likely to be granted prior to the grant of any planning approval. Natural England can only issue a licence if the following tests have been met:

1. The development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
2. There is no satisfactory alternative; and
3. The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

In terms of reason 1, in terms of the public interest as discussed earlier in the report, officers do not consider that the proposal would be in the public interest as there are few public benefits of the proposed scheme over and above the approved prior approval scheme.

In terms of reason 2, the fallback scheme would allow for the relocation of the common pipistrelle and soprano pipistrelle bats from their existing roost into bat boxes. This is a satisfactory alternative from the perspective of protected species as the impacts to protected species have been avoided, mitigated and compensated in line with NPPF Para. 175.

In terms of reason 3, the submitted Ecological Appraisal states that with the mitigation in place the proposal would maintain the favourable conservation status of the bat species present on site.

Consequently, given that the development is not deemed necessary or in the public interest the LPA considers that a license would likely not be issued and the proposal would infringe Article 12.

However, should the scheme be recommended for approval, the recommendations of the ecology report shall be conditioned as part of any approval to ensure that the works are carried out in accordance with the requirements of the Ecological Appraisal. With the required conditions in place the proposal would be in compliance with Local Plan Policy EN5.

### Biodiversity Net Gain

A Statutory Biodiversity Metric calculation has been supplied with the application. As per the comments from EDDC's ecologist, there remains uncertainty surrounding the retained hedgerows on the northern and eastern boundary. The Ecological Appraisal and the submitted biodiversity metric calculation confirm that the hedgerows will be retained. These hedgerows contribute a total of 3.01 biodiversity units, representing a substantial portion of the development's overall Biodiversity Net Gain (BNG).

The proposed site plan does not distinguish between which hedges would be in the public realm and which would be within private curtilage. If these hedgerows were to be retained within the public realm, the proposed site plan would need to be amended to illustrate a clear buffer and with associated fencing, etc, between the garden boundaries and the existing hedgerows, to allow space for their ongoing traditional management with all details provided in a Habitat Management and Monitoring Plan. As per the comments from EDDC's ecologist, if it is not possible to secure the hedgerows outside of private residential curtilage, they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG), and they should be recorded in the biodiversity metric as 'native hedgerows in poor condition'. This classification reflects the likely degradation of these features over time, as inclusion within private gardens typically leads to reduced ecological value due to unmanaged growth, removal, or fragmentation.

Given their importance to the BNG objective, it is essential to establish a clear understanding of the long-term monitoring strategy for the hedges, to ensure that their contribution on site BNG remains valid over the 30 years.

Several other concerns have also been raised by the submitted BNG assessment which have now been addressed by the applicant. The existing pond / attenuation basin, which was previously not included in the baseline assessment, has now been added to the assessment.

Concerns have also been also expressed regarding the size of the proposed trees included within the post development proposals. The plans as submitted allowed for the provision of eight medium-sized trees. Sourcing trees of this size within the UK is likely to be challenging, with transportation requiring specialist equipment and the establishment of the trees would require intensive, expert care during the initial years. Since these comments were made by EDDC's ecologist, revised plans have been submitted incorporating the recommended 32 small trees which is a more realistic prospect.

Whilst biodiversity net gain is a post-permission matter, LPA must be confident the habitat creations proposed onsite are realistic and achievable and that the biodiversity gain condition is capable of being discharged. Insufficient information has been provided to demonstrate that a 10% uplift could be achieved on site.

Planning Practice Guidance states that it would be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met, however decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. As stated above it while it has not been demonstrated that the gains could be secured on site it would be entirely feasible for the condition to be met through the purchase of statutory biodiversity credits. Therefore, the proposal is considered acceptable subject to the determination of the Biodiversity Gain Plan following the grant of any planning approval.

### Appropriate Assessment

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

### Trees

The proposed development moves the buildings away from the existing tree line and therefore offers an improved spatial arrangement with regards to trees, over the previously approved scheme in the prior approval notification 22/2796/PDQ. On this basis, no objection is raised to the principle of the proposed development on arboricultural grounds. Should the application be recommended for approval, a condition would be imposed requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

Echoing the comments made by EDDC's ecologist, concerns regarding the site hedges have also been raised by EDDC's tree officer, in respect of how the site's existing hedgerow boundaries will be managed. The submitted site plan shows the hedges forming part of the residential curtilage which would lead to a gradual erosion and loss of these features. The tree officer has recommended that any planning approval should be subject to a condition requiring the submission of a LEMP where the ongoing appropriate management of the hedgerows is secured into the future.

With the appropriate conditions in place to ensure the provision of a LEMP, and compliance with the Arboricultural Method Statement and Tree Protection Plan, the proposal is acceptable and in accordance with Local Plan Policy D3.

### Drainage

Percolation tests carried out on the site have demonstrated that an infiltration based system is unfeasible. As a result, surface water is proposed as being managed within a detention basin before discharging into a watercourse adjacent to the site. The attenuation basin has an 87 square metre base area with 1:3 sloping sides and has been sized to accommodate run off from an impermeable site area of 1987 square metres. The watercourse is not within the applicant's ownership therefore Land Drainage consent would be required to form the outfall into the watercourse.

The Environment Agency's surface water flood risk mapping determines a flowpath entering the east of this site. The scheme proposes to manage the overland flows via a conveyance ditch which includes check dams to attenuate and control flows.

Foul sewage would be dealt with via a package treatment plant which would also discharge into the watercourse.

DCC Flood Risk Team have removed their earlier objection to the scheme following the submission of a surface water drainage scheme. A condition would be imposed upon any approval in respect of the detailed design of the proposed surface water drainage system, as well as management of surface water and sediment during the construction stage

With the appropriate conditions in place the application would comply with Local Plan Policy EN22.

### Flood risk

The site is within Flood Zone 1. The unclassified road to the west of the site is noted as being at risk of surface water flooding. The proposed drainage scheme discussed above has been designed to attenuate surface water run-off and exceedance flows over the site to ensure flood risks elsewhere are not increased.

### Other matters

Exeter Airport have commented that the proposal does not appear to conflict with safeguarding criteria. The developer and contractor must abide by the Airport

Operators Association (AOA) Advice notes: Cranes and other Construction Issues in order to not breach the Air Navigation Order.

Given the above, the proposal complies with Local Plan Policy TC22.

### Planning Balance

The application seeks approval for four detached dwellings using the previous Class Q approval as a fallback position. The relevant case law clarifies that the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented. Given that the existing prior approval expires on 13th February 2026 it is not considered that the fall back is a realistic prospect. It is not clear that the prior approval scheme previously approved would comply with the requirements of the General Permitted Development (England) Order 2015 as amended on 21/02/2024 which requires dwellings to comply with the Nationally Described Minimum Space Standards in terms of dwelling area and minimum headroom. As such it is not considered that the fall back position could be relied upon.

Irrespective of the fall back position, the proposal gives rise to a number of concerns regarding wider negative impacts.

The proposed application site is three and a half times larger than that of the prior approval red line site boundary, and in the absence of any public enhancements or benefits of the scheme over the fall back position, there is no fall back position for this extent of development on a plot of this size and there is therefore no overriding material consideration upon which to base any departure from local plan policy.

In comparison to the previous grant of prior approval scheme, the proposal would lead to harm to the character and appearance of the area through the suburban character of the proposed development, the large expanses of glazing in contrast to the low form and agricultural nature of the existing buildings, and a significant increase in the extent of the residential curtilage.

In terms of the presumption in favour of sustainable development, the moderate benefit of adding four additional dwellings to the housing supply and the benefits of the proposal to the local economy attract moderate weight in favour of the proposal. In the absence of a fall back position the proposal would not be in a suitable location having regard to the development plan policies aimed at ensuring the accessibility and sustainability of new residential development. The proposal would also be in conflict with policies that require development to respect the key characteristics of the area. As such the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.

Given the above, the proposal would be contrary to policies contained within the Local Plan and the NPPF and is therefore recommended for refusal.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development in the countryside would by reason of its scale, uncharacteristic layout and significant glazed areas, result in an incongruous, suburban and visually obtrusive form of development, unsympathetic to the local rural landscape character and would result in harm to the character and appearance of the area. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraph 135 of the National Planning Policy Framework and the guidance within the National Planning Policy Framework.
  
2. The site is within the countryside where residential development is restricted in accordance with the spatial strategy of the development plan. The location is not well related to services, facilities, and amenities to serve the day to day needs of future occupiers, and in the absence of safe, convenient access for all pedestrians and cyclists to such facilities and given the distance to access public transport from the site, the proposal would result in increased reliance on car travel and is an unsustainable form of development. As such the scheme would be contrary to the provisions of Strategy 3 (Sustainable Development), Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside), and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031, the National Planning Policy Framework and guidance contained within the National Design Guide.

#### 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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

##### Plans relating to this application:

8496-04 REV D : visibility splay	Other Plans	18.02.25
8496-06 REV A : plot 1	Proposed Combined Plans	18.02.25
8496-07 REV B : plot 2	Proposed Combined Plans	18.02.25
8496-08 REV B : plot 3	Proposed Combined Plans	18.02.25

8496-09 REV B : plot 4	Proposed Combined Plans	18.02.25
8496-LP	Location Plan	18.02.25
8496-15 C : BNG planting plan	Landscaping	10.12.25
8496-03 G	Proposed Site Plan	10.12.25
3001 D : surface water drainage plan	Other Plans	12.01.26

#### List of Background Papers

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

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

21/25/AY

Grid Ref: 302637 , 91426

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:  
Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

#### County Highway Authority

Observations:

I have visited the site and reviewed the planning application documents.

This application is a fall back one from that of the 2022 PDQ application, 22/2796/PDQ which was approved. That application was for the construction of five dwellings, therefore this proposed application will see a slightly reduced vehicle trip generation from the approved one.

The same improved access track and visibility splay is also proposed to our current best practice guidance, Manual for Streets 1 and 2.

I do recommend the provision of a comprehensive Construction and Environment Management Plan, should this application be approved in order to reduce the effects of construction upon the local highway network.

I also recommend the provision of secure cycle storage per dwelling in order to encourage sustainable travel and help reduce the vehicle trip generation.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land.

DCC Flood Risk Management Team

24.04.2025 - FRM/ED/0368/2025

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has submitted drawing Proposed Site Plan (Drawing ref. 8496-03., Rev. D., dated 31st January 2025).

The applicant is proposing to remove an existing agricultural barn surrounding facilities to develop 4 new dwellings, a new access track, a pond and several Devon banks.

Despite the proposed site plans, the applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:  
<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

DCC Flood Risk Management Team

23/07/2025

The Ground Investigation report should be submitted.

The applicant should submit a screenshot of the FEH Catchment Descriptors. This screenshot should show the site on the FEH Mapping (on the FEH website), with the annotation of the catchment descriptors. All of the proposed access road should be drained please. Could the filter drain be extended further? Could another feature be included to drain the remainder of the access road (including junction)?

Maintenance details are required. Exceedance routes should be demonstrated on a plan.

EDDC District Ecologist

20.06.2025

## **1 Introduction**

This report forms EDDC's Ecology response to the full application for the above site. The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## **2 Review of submitted details**

Comments relate to the following documents:

*Preliminary Ecological Appraisal, Devon and Cornwall Ecology, November 2024*

*Ecological Appraisal, Richard Green Ecology, February 2025*

Statutory Biodiversity Metric, completed by Katy Perry, Richard Green Ecology, 06/02/2025

*Habitat Suitability Index Survey Report, EPS Ecology, March 2025*

### **Designated Sites**

The site is within 10 km of the Exe Estuary Ramsar site\Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA).

Habitat Mitigation payment, as set out on the EDDC website, would be required to off-set potential impacts from the development on these designated sites.

### **Habitats**

The site is bordered by a species rich hedgerow to the north and a species rich, native devon hedge bank on the eastern boundary, habitats of Principal Importance. The development proposals include their retention, which is supported, however it is not clear whether they will form part of the four residential curtilages.

In determining planning approval, it is essential to establish a clear strategy for the long-term management of the site's existing hedgerow boundaries. To facilitate this, it is recommended that proposed garden boundaries be set back from the existing hedgerows, thereby enabling ongoing access and appropriate maintenance over the long term and in accordance with biodiversity net gain objectives (see below).

### **Protected and Notable Species**

#### ***Great Crested Newts***

The site is within a great crested newt (GCN) consultation zone. An HSI survey was undertaken of the onsite pond (March 2025) indicating it has 'poor' habitat suitability and that it is unlikely to be used by GCN.

Section 4.4 of the Preliminary Ecological Appraisal (Devon and Cornwall Ecology, November 2024) identified 3 ponds within 250 m (including the onsite pond) that are well connected to the site and Section 4.7.2 of the Ecological Appraisal (Richard Green Ecology, February 2025), states that ponds within 250 m of the site should be subject to eDNA surveys.

However, no explanation or justification has been provided for why other ponds in the vicinity have been excluded from an HSI/eDNA survey.

Farringdon School County Wildlife Site, located approximately 1 km north-west of the application site, contains confirmed records of GCN and this species is known to be present within this part of East Devon.

The proposed development includes the demolition of several buildings and the removal of tall ruderal vegetation. As noted in Section 3.3.5 of the submitted Ecological Appraisal, this vegetation offers suitable terrestrial habitat for GCN, which rely on such features for foraging, shelter, and hibernation outside of the breeding season.

The presence of protected species is a material consideration in the determination of planning applications. Without comprehensive survey data and clearly defined avoidance, mitigation, and compensation measures, the local planning authority cannot fully assess the potential ecological impacts of the proposed development or ensure compliance with statutory obligations.

It is therefore recommended HSI/eDNA surveys are undertaken of all suitable ponds within 250 m of the site with the results informing the next steps. It should be noted that DNA analysis must be undertaken between the 15th of April until the 30th of June to be considered valid.

### ***Bats – Roosts***

Four buildings onsite are proposed for demolition. Two dusk emergence surveys determined the main barn, identified as B1 is used by common pipistrelle and soprano pipistrelle bats (low numbers) as a day roost. A European protected species licence (EPSL) will be required for the works.

### ***Other***

Ecological surveys considered the site also provides suitable habitat for other protected and notable species, including foraging and commuting badgers, dormice, reptiles, common amphibians and hedgehogs with acceptable recommended mitigation, compensation and enhancement measures.

### **Biodiversity Net Gain (BNG)**

The submitted BNG assessment raises several issues, including a fundamental omission that must be addressed before determination.

### ***Baseline habitats***

In accordance with national validation requirements for Biodiversity Net Gain (BNG), all habitats located within the red line application boundary must be recorded in the baseline section of the Biodiversity Metric. The onsite pond has not been included in the current calculations, resulting in an incomplete baseline assessment.

Consequently, it is unclear how the proposed development will achieve the required biodiversity gain. Inclusion of the pond is essential to ensure an accurate and compliant assessment.

## ***Post-development proposals***

### Trees

The post-development proposals include the provision of eight medium-sized trees. However, sourcing trees of this size within the UK is likely to be challenging. Their transportation would require specialist equipment, and their successful establishment on site would depend on intensive, expert care during the initial years. Given these constraints, the planting of smaller, native tree species post-development is recommended as a more practical and sustainable alternative.

### Hedgerows -Existing

The baseline habitat plans indicate the existing species-rich native hedgerow to the north and the species-rich native hedgebank on the eastern boundary are proposed to be retained and maintained in their current condition. As discussed above, it is not clear if these hedgerows will remain in the public realm or form part of private curtilages.

If the hedgerows are to be managed and maintained within the public realm, the current metric calculation is considered appropriate. However, where hedgerows are included within private ownership, there is no assurance that ongoing maintenance and intervention will be carried out to preserve their baseline condition (i.e., 'moderate'). In such cases, the metric should be adjusted accordingly. To ensure compliance with the *Statutory Biodiversity Metric User Guide* (page 30), the guidance on habitat retention must be followed, and the metric amended to reflect this requirement.

### Hedgerows - Created

The ecology report incorrectly classifies the newly created hedgebanks surrounding each dwelling as 'vegetated garden'. These features should instead be recorded under the 'On-site Hedge Creation' section of the biodiversity metric as 'native hedgerow' in 'poor' condition. This classification more accurately reflects their ecological function and allows them to contribute biodiversity units toward the overall net gain for the development.

## **3 Recommendations**

I currently submit a holding objection to the application until the above information has been addressed. This includes:

- HSI/eDNA surveys of surrounding ponds within 250 m of the application site
- An accurate baseline assessment in the Statutory Biodiversity Metric to include all habitats within the application site boundary
- Clarity regarding the retention of the boundary hedgerows

Reason: Insufficient information has been submitted to satisfy the Local Planning Authority that the development proposals would not result in an adverse impact on a European protected species and whether the statutory biodiversity gain condition

can be lawfully discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990, Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan, 2013-2031.

**Therese Goodwin MA**

Ecology Officer  
East Devon District Council

03.09.2025 – Objection

In response to the EDDC Ecology comments dated 20 June 2025, a letter report submitted by ARA Architecture (dated 10 July 2025) provides a response and a partial resolution of the concerns raised. However, several matters remain unresolved

**Great Crested Newts**

The applicant has submitted sufficient justification to confirm that no additional HSI/eDNA surveys for great crested newts are required at this time.

**Hedgerows**

As mentioned in previous comments, there remains uncertainty surrounding the retained hedgerows on the northern and eastern boundary. The response from ARA Architecture (July 2025) in Section 3.1 states that these existing hedgerows, referenced by ARA Architecture as ‘h2a5’ and ‘u1’ would be retained in their current condition and could be legally secured with a planning condition.

The Ecological Appraisal (Richard Green, Feb 2025) and the biodiversity metric confirm that two hedgerows, identified with reference numbers 7 and 8 in the metric and baseline plan (Fig. 1), and labelled H1 and H2/G1/G2/A1 in the Proposed Site Plan (Fig. 3), will be retained. These hedgerows contribute a total of 3.01 biodiversity units, representing a substantial portion of the development’s overall Biodiversity Net Gain (BNG).

Given their importance to the BNG objective, it is essential to establish a clear understanding of their current ecological condition, management requirements, and long-term monitoring strategy. This will ensure that their biodiversity value is maintained or enhanced over time, and that their contribution to net gain remains valid over the 30 years.

It is currently unclear from the post-development habitat plan (Figure 2) which hedgerows are designated as h2a5 (i.e. located within the public realm) and which are classified as u1 (i.e. situated within private curtilage), as the figure does not provide a clear visual distinction between these categories.

Due to this lack of clarity, it would be inappropriate to impose a planning condition relating to hedgerow retention or management. Further clarification is required to

accurately determine the post-development status and location of these features before appropriate conditions can be considered.

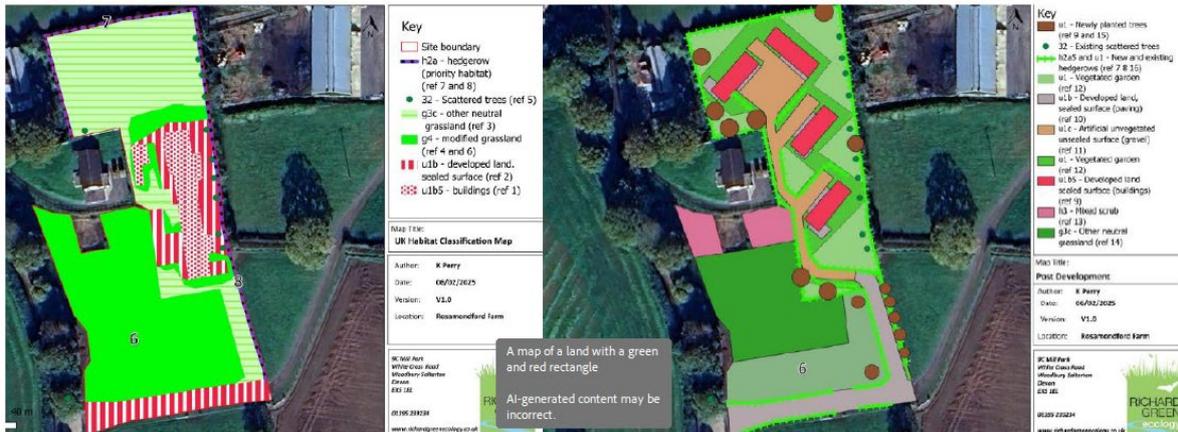


Figure 1

Figure 2

If these hedgerows are to be within the public realm, the Proposed Site Plan in Figure 3 (Dwg No 8496-03 Rev E, ARA Architecture) will need to be amended to illustrate a clear buffer and with associated fencing, etc, between the garden boundaries and the existing hedgerows, to allow space for their ongoing traditional management with all details provided in a Habitat Management and Monitoring Plan.



Figure 3

Figure 4

If it is not possible to secure the hedgerows outside of private residential curtilage, they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG). In such cases, they should be recorded in the biodiversity metric within tab B-2 as 'native hedgerows in poor condition'. This classification reflects the likely degradation of these features over time, as inclusion within private gardens typically leads to reduced ecological value due to unmanaged growth, removal, or fragmentation.

There is currently a lack of consistency between Figure 2, Figure 3 and Figure 4 (Dwg No 8496-15 Rev A BNG Planting Plan, ARA Architecture) regarding habitat labels, reference numbers, and proposed habitat locations particularly on the eastern

boundary. Figure 4 appears to show H1 and H2 will be created in addition to existing hedgerows.

Clear, consistent, and cross-referenced habitat numbers/labels across all habitat and proposed site plans are required to accurately determine the location, extent, and condition of each habitat type and ensure alignment between baseline and post-development assessments.

### **Biodiversity Net Gain (BNG)**

Several concerns remain regarding the BNG assessment in addition to the concerns regarding the onsite hedgerows as addressed above.

#### **Pond and Attenuation Basin**

In accordance with national validation requirements for Biodiversity Net Gain (BNG), all habitats located within the red line application boundary must be recorded in the baseline section of the Biodiversity Metric. The onsite pond/attenuation basin has not been included in the current calculations, resulting in an incomplete baseline assessment. Consequently, it is unclear how the proposed development will achieve the required biodiversity gain. Inclusion of the pond is essential to ensure an accurate and compliant assessment.

Please note that should the development have no impact to the pond, it must still be recorded within the baseline calculations of the metric. It is acknowledged the pond may be currently dry given the lack of rainfall during the spring and summer of 2025; however, a photo of the pond (plate 11) within the Ecological Appraisal (Feb 2025) indicates the pond has previously held water.

An attenuation basin has been added to the post development plans indicated in Fig 3 and Fig 4. This is not currently recorded within the post development metric calculations. Should the application be minded for approval, these details will need to be reflected in the final metric calculations submitted with the biodiversity gain plan, post consent.

#### **Trees**

The post-development proposals include the provision of eight medium-sized trees. Please note that the designation of 'medium' is the size of the tree at the time of planting. A medium size tree has a diameter at breast height (approx. 1.5 m from the ground) of between 30-60 cm. The planting of small, native tree species post-development is recommended as a more practical, cost-effective and sustainable alternative.

#### **Hedgerows - Created**

The Ecological Appraisal (Richard Green, Feb 2025) incorrectly classified the newly created hedgebanks surrounding each dwelling as 'vegetated garden'. These features should instead be recorded within tab B-2 of the biodiversity metric as 'native hedgerow in poor condition'. This classification more accurately reflects their

ecological function and allows them to contribute biodiversity units toward the overall net gain for the development.

## **2 Recommendations**

I currently submit a holding objection to the application until the above information has been addressed. This includes:

- An accurate baseline assessment in the Statutory Biodiversity Metric to include all habitats within the application site boundary.
- Clarity regarding whether the existing boundary hedgerows will be retained in the public realm or will be within private curtilage with the metric amended accordingly.
- All post development habitat plans, proposed site plans and BNG planting plans must be aligned and illustrated with consistent, clear and cross-referenced habitat labels.

Reason:

It has not been demonstrated that the metric has been completed in accordance with statutory guidance and therefore, it is uncertain whether the biodiversity gain condition would be capable of being discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990.

**Therese Goodwin** - Ecology Officer

## **20.11.2025 – Objection**

### **1 Review of submitted details**

An amended Ecological Appraisal (Richard Green Ecology, Oct 2025) and statutory metric (completed by Katy Perry, dated 29/09/25) have been provided to address previous EDDC ecology comments from 03/09/25.

Whilst these updated documents have addressed several matters, the following concerns require further clarification and/or additional information:

Onsite Pond

Section 3.2.1(g) of the Ecology Appraisal (Richard Green Ecology, October 2025) notes the presence of an onsite pond currently assessed as being in poor ecological condition. However, the metric has classified the feature as a Sustainable Drainage System (SuDS), with no justification for the change in habitat classification. SuDS and ponds have different arbitrary biodiversity values in the metric, and as such it is important that they are recorded correctly to accurately reflect the pre-development and post-development biodiversity values.

Ponds are vital for biodiversity, offering essential habitats for a wide range of species. The existing pond is currently in poor condition, presenting an opportunity to enhance an important habitat on site, supporting wildlife and contributing to overall ecosystem health.

## 1. Other Neutral Grassland

The post development BNG proposals include the creation of 0.26 ha of other neutral grassland in moderate condition located in the southwest field and in several locations adjacent to private gardens of all four dwellings. The following concerns are noted:

- i The site appears to be subject to agricultural influences and likely has a high nutrient burden. Therefore, if it is proposed to create species-rich grassland, it would need to be backed by evidence in its likelihood of success or otherwise.
- ii No information has been provided whether the field in the western section of the site will continue to be cattle grazed which could have a bearing on the establishment and long-term success of the proposed grassland.
- iii It is unclear how the separate areas of species-rich grassland adjacent to the private gardens will be managed and maintained as they do not appear to be publicly accessible.

## 1. Post development medium size trees

Section 4.2.2 of the Ecology Appraisal (Richard Green Ecology, October 2025) notes that instead of 8 medium size trees planted post development, 32 small trees could be planted within the grassland to the south-west of the site. Whilst this amendment is welcome, the BNG Planting Plan (dwg 8496-15 Rev A, ARA Architecture, March 2025) will need to be amended to reflect this change.

## 1. Retained Hedgerows

ARA Architecture have stated that the retained species-rich native hedgerows currently assessed as being in moderate condition, will not be within the boundary of the private dwellings. However, the updated UKHab Post-development Habitat Map (Richard Green Ecology, September 2025), shows several sections of the retained hedgerows (circled in black) within private curtilage as indicated in Figure 1. Figure 1 – Annotated UKHab Post Development Habitat Map (Richard Green Ecology, 2025).

Any garden boundary should stop short of the existing boundary hedgerows to allow sufficient space for their ongoing traditional management. There should be a publicly accessible (non-hardstanding) 2m wide buffer adjacent to the hedge to allow its long-term maintenance.

## 1. Consistency between post development habitat plans and BNG planting plans

As previously requested, there is a lack of consistency between the Post Development Habitat Map (Richard Green Ecology, September 2025) and the BNG Planting Plan (Dwg No 8496-15 Rev A BNG Planting Plan, ARA Architecture). As this is a full application, it is essential that the two plans align to provide assurance that the proposed on-site BNG measures are not only achievable but deliverable in practice.

Clear, consistent, and cross-referenced habitat numbers/labels across all habitat plans are required to accurately determine the location and extent of each habitat type, including size of buffers adjacent retained hedgerows post development.

## 1. Other

The 'delay in starting habitat creation' column should be completed to reflect the delay in habitat creation that is likely to occur as a result of construction activities.

## 2 Conclusion and Recommendations

Whilst biodiversity net gain is a post-permission matter, the LPA must be confident the habitat creations proposed onsite are realistic and achievable and that the biodiversity gain condition is capable of being discharged. At present, there are several matters that require clarification and/or further information to provide this confidence; therefore, I currently submit a holding objection until the following have been provided:

- Please provide clarity regarding the baseline classification of the onsite pond/SuDs with supporting evidence, including photographs.
- Please provide further details regarding the 'other neutral grassland' referenced in Section 2 above, including confirmation on whether the field will continue to be managed through cattle grazing.
- Please provide post development plans that clearly show a suitable buffer between the residential gardens and the retained hedgerows as detailed in Section 4 above, including consistent representation of post development habitats within all habitat/landscaping plans. These plans should also include public access to the areas of other neutral grassland adjacent to private gardens, to ensure these species-rich grassland areas can be managed and maintained over 30 years.

Reason:

It has not been demonstrated that the metric has been completed in accordance with statutory guidance and therefore, it is uncertain whether the biodiversity gain condition would be capable of being discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990.

**Therese Goodwin**  
Ecology Officer

Natural England  
508663

Thank you for your consultation on the above dated 02 April 2025 which was received by Natural England on 02 April 2025

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

SUMMARY OF NATURAL ENGLAND'S ADVICE  
FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON  
DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England's statutory advice on these potential impacts is set out below.

#### Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

#### Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK ([www.gov.uk](http://www.gov.uk)) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from

the Natural England Open Data Geoportal ([arcgis.com](https://arcgis.com)) and to use on MAGIC ([defra.gov.uk](https://defra.gov.uk)) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK ([www.gov.uk](https://www.gov.uk)) provides further guidance on when LPAs must consult Natural England on development proposals.

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

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

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

## Annex A - Natural England general advice

### Protected Landscapes

Paragraph 189 of the National Planning Policy Framework - GOV.UK ([www.gov.uk](https://www.gov.uk)) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 ([legislation.gov.uk](https://legislation.gov.uk)) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also

be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

### Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

### Biodiversity duty

Section 40 of the Natural Environment and Rural Communities Act 2006 ([legislation.gov.uk](http://legislation.gov.uk)) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the Complying with the biodiversity duty - GOV.UK ([www.gov.uk](http://www.gov.uk)) for further information.

### Designated nature conservation sites

Paragraphs 193-195 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK ([www.gov.uk](http://www.gov.uk)) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK ([www.gov.uk](http://www.gov.uk)) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) ([arcgis.com](http://arcgis.com)) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK ([www.gov.uk](http://www.gov.uk))).

### Protected Species

Natural England has produced Protected species and development: advice for local planning authorities ([gov.uk](http://gov.uk)) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

## Annex A - Natural England general advice

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply ([www.gov.uk](http://www.gov.uk)) for more information.

### Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK ([www.gov.uk](http://www.gov.uk)) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England ([gov.uk](http://gov.uk)) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - [data.gov.uk](http://data.gov.uk) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

### Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the National Planning Policy Framework ([publishing.service.gov.uk](http://publishing.service.gov.uk)) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is also applies extended to small scale development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Biodiversity Net Gain guidance ([gov.uk](https://www.gov.uk)) provides more information on biodiversity net gain and includes a link to the Biodiversity Net Gain Planning Practice Guidance ([gov.uk](https://www.gov.uk)).

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric for more information. For small development sites, The Small Sites Metric may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on Sites of Special Scientific Interest: [managing your land](#)

#### Annex A - Natural England general advice

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

The Environmental Benefits from Nature Tool - Beta Test Version - JP038 ([naturalengland.org.uk](https://www.naturalengland.org.uk)) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

Natural environment - GOV.UK ([www.gov.uk](https://www.gov.uk)) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK ([www.gov.uk](https://www.gov.uk)) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

#### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187, 188). This is the case regardless of whether the proposed

development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK ([www.gov.uk](http://www.gov.uk)). Find open data - [data.gov.uk](http://data.gov.uk) on Agricultural Land Classification or use the information available on MAGIC ([defra.gov.uk](http://defra.gov.uk)). The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites ([publishing.service.gov.uk](http://publishing.service.gov.uk)) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK ([www.gov.uk](http://www.gov.uk)), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance ([quarrying.org](http://quarrying.org)) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home ([naturalengland.org.uk](http://naturalengland.org.uk)) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles ([naturalengland.org.uk](http://naturalengland.org.uk)). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

### Annex A - Natural England general advice

The Green Infrastructure Map ([naturalengland.org.uk](http://naturalengland.org.uk)) and GI Mapping Analysis ([naturalengland.org.uk](http://naturalengland.org.uk)) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

### Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails:  
Paragraphs 105, 185, 187 and 193 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK ([www.gov.uk](http://www.gov.uk)).

#### 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.

#### EDDC Trees

The proposed development layout is an improved spatial arrangement with regards to trees, over the previously approved scheme in the prior approval notification 22/2796/PDQ. On this basis no objection is raised to the principle of the proposed development on tree grounds. Any planning approval should be subject to a condition requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

In granting any planning approval, we need to be clear as to how the site's existing hedgerow boundaries will be managed. If they form part of any residential curtilage there will be a gradual erosion and loss of these features. Any garden boundary should stop short of the existing boundary hedgerows, to allow space for their ongoing traditional management. Any planning approval should be subject to a condition requiring the submission of a LEMP where the ongoing appropriate management of the hedgerows is secured into the future.

Draft Tree Protection Condition:

Tree Protection - The Approved Tree Protection Plan(TPP) and Arboricultural Method Statement(AMS)

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 12th day of November 2024 will have been completed:

- a) The tree protection fencing and ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection fencing and ground protection shall have been inspected by an appropriately experienced and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisor's initial site inspection shall be forwarded to the Local Planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP shall be followed:

- d) All recommendations within the AMS and TPP shall be strictly followed.
- e) The tree protective fencing and ground protection shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days.

On completion of the development hereby approved:

- g) The tree protection fencing and ground protection can finally be removed.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

## **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.

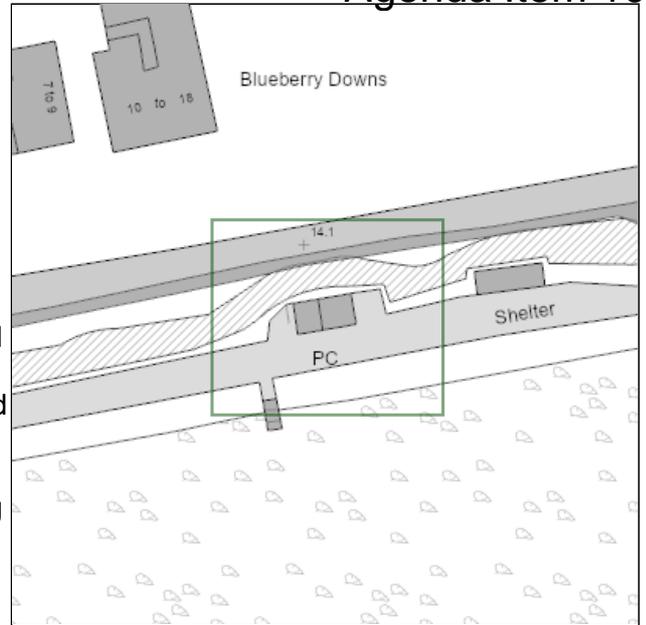
**Ward** Budleigh And Raleigh

**Reference** 25/2125/VAR

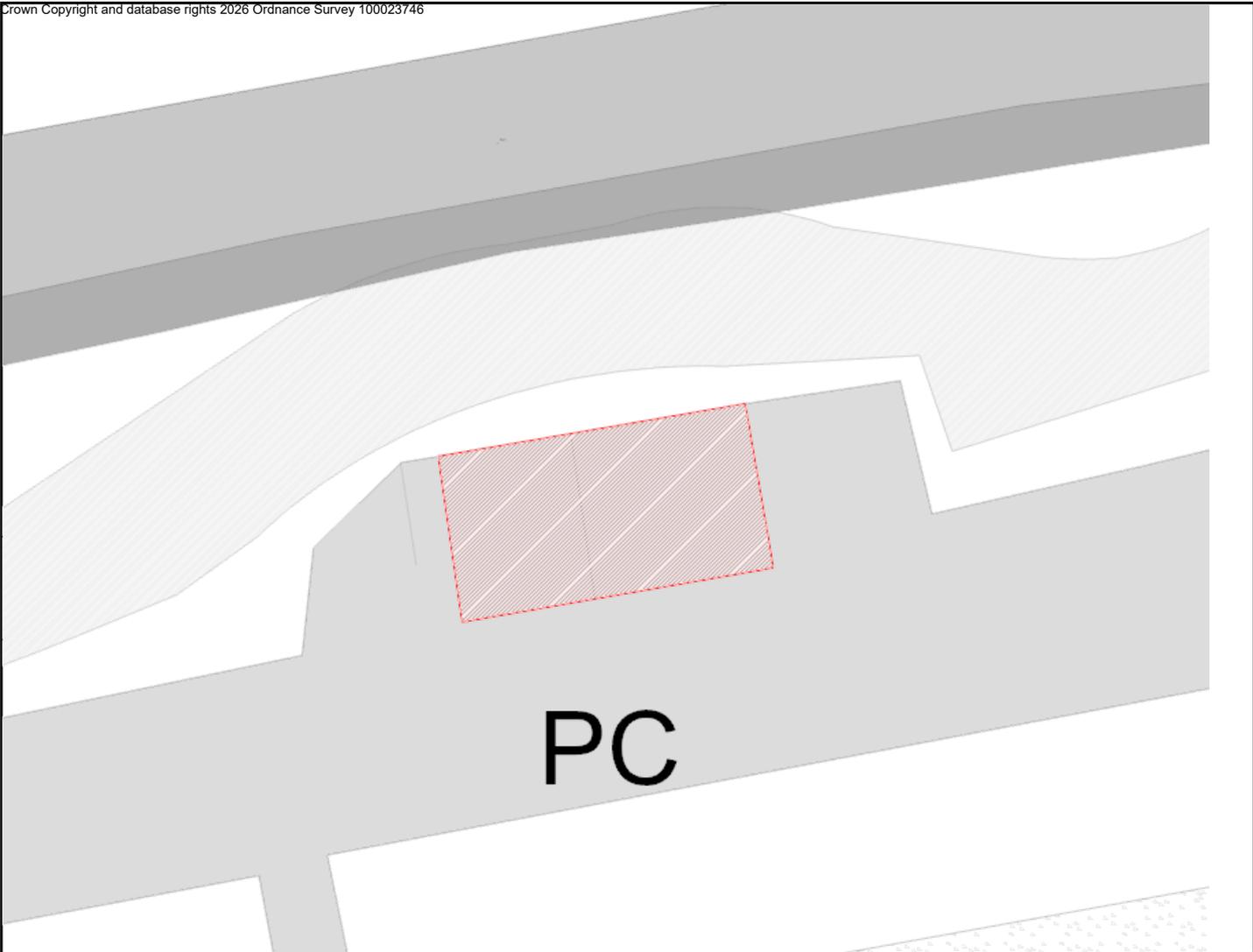
**Applicant** Mr Jorge Pineda-Langford (EDDC)

**Location** Toilets Salting Hill Budleigh Salterton

**Proposal** Retrospective variation of condition 2 (approved plans) on planning permission 23/2626/FUL (Proposal to demolish existing public toilets, and replace with a new public toilet building), to relocate downpipes, add extractor fans, emergency beacons, and mesh security fencing and repositioning of door



**RECOMMENDATION: Approval**



		<b>Committee Date: 24/02/2026</b>
<b>Budleigh And Raleigh (Budleigh Salterton)</b>	<b>25/2125/VAR</b>	<b>Target Date: 11.12.2025</b>
<b>Applicant:</b>	<b>Mr. Jorge Pineda-Langford (EDDC)</b>	
<b>Location:</b>	<b>Toilets Salting Hill</b>	
<b>Proposal:</b>	<b>Retrospective variation of condition 2 (approved plans) on planning permission 23/2626/FUL (Proposal to demolish existing public toilets, and replace with a new public toilet building), to relocate downpipes, add extractor fans, emergency beacons, and mesh security fencing and repositioning of door</b>	

**RECOMMENDATION: Approval**

### **EXECUTIVE SUMMARY**

**This application seeks retrospective approval for minor variations to the previously consented scheme (23/2626/FUL) for the replacement public toilet building at Salting Hill, Budleigh Salterton.**

**The completed works include the relocation of downpipes and a door, installation of extractor fans and emergency beacons, and the addition of mesh security fencing to the side elevations. Details of external lighting have also been submitted to address the requirements of Condition 3 of the earlier consent.**

**No objections have been received. The Budleigh Salterton Parish Council support the scheme.**

**The officer assessment identifies that the variations to the previously approved scheme are minor and do not materially alter what the scheme that was approved. No harm is identified to either the East Devon National Landscape or the Jurassic Coast World Heritage Site.**

**The installed lighting is considered acceptable, and the finished appearance is consistent with that which was previously approved.**

**The proposal is considered to align with the requirements of the Development Plan and does not adversely impact amenity, landscape or ecology.**

**The application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

This council supports the application.

#### Ward members

No comments received.

### **Technical Consultations**

#### Conservation

No comments as the building is situated below a small cliff and is some distance away from the nearest listed buildings and conservation area. There is no impact on these heritage assets.

Recommendation: No objections

#### Historic England

Do not wish to comment

#### World Heritage Site/Jurassic Coast

No comments to make.

#### Other Representations

One neutral comment was received querying development that has occurred that is not in accordance with the approved plans.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
23/2626/FUL	Proposal to demolish existing public toilets, and replace with a new public toilet building.	Approval with conditions	28.03.2024

## **POLICIES**

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

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) Adopted

Strategy 45 (Coastal Erosion) Adopted

E20 (Provision of Visitor Attractions) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

TC2 (Accessibility of New Development) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 21 (Budleigh Salterton) Adopted

D1 (Design and Local Distinctiveness) Adopted

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

EN10 (Conservation Areas) Adopted

EN14 (Control of Pollution) Adopted

EN21 (River and Coastal Flooding) Adopted

RC6 (Local Community Facilities) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

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

Strategic Policy CC01 (Climate emergency) Draft

Strategic Policy AR01 (Flooding) Draft

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

Policy AR05 (Development affecting coastal erosion) Draft

Policy SE08 (Local shops and services) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

Policy OL09 (Control of pollution) Draft

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

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

Policy CF01 (New or extended community facilities) Draft

## Budleigh Salterton Neighbourhood Plan (Made) 2017-2031

Policy H2 (Maintaining Local Character)

Policy H4 (Built-Up Area Boundary)

Policy B1 (Identity Of Town And Seafront)

Policy B3 (Heritage Assets)

Community Action B2

Policy NE1 (Conservation Of The Natural Environment)

Policy NE5 (Development Within The Coastal Preservation Area)

Community Action CLW2

## Government Planning Documents

National Planning Policy Framework 2024 (as amended)

## Site Location and Description

The toilets are located along the southern side of Salting Hill off Budleigh Salterton Seafront. The toilets are a prominent structure on the seafront along with the adjacent shelter, beach huts and the refreshments kiosk. The toilets are located within both the East Devon National Landscape and the UNESCO designated World Heritage site that is the Jurassic Coast.

## **ANALYSIS**

### Proposed development

The application seeks retrospective permission for minor alterations to the scheme approved under application reference 23/2626/FUL.

The completed changes include the following:

- The relocation of downpipes to the West, South and East elevations.
- The introduction of extractor fans on rear (North) elevation.
- The introduction of beacons on the front (South) elevation.
- The relocation of a door on the front elevation (South).
- The introduction of mesh fencing on the West and East elevations.

The applicant has also submitted additional details of lighting details as a means of satisfying the requirements of condition 3 of permission 23/2626/FUL.

### Material Considerations

Having reviewed the proposed scheme in relation to the site context, it is considered that there would be no impact upon neighbour amenity. The site benefits from special designations by virtue 25/2125/VAR

of its position within a World Heritage site and National Landscapes. The main issues for this retrospective development therefore relate to the impact of the proposed variations on the surrounding area.

It was determined during the decision making of application 23/2626/FUL that there would not be any significant impact upon ecology subject to a suitable lighting scheme and the proposed variations have no greater impact on ecology.

Compliance with condition 3 and 4 of permission 23/2626/FUL will be considered.

Impact upon the character of the area/special designations.

The proposed amendments, in the context of the wider scheme, are relatively minor. The most visually impactful part of the proposal is the installation of mesh fencing on the East and West elevations (shown in figure 1, below). During the site visit, it was observed that whilst being a relatively tall addition, the colour and composition of the fence means the extent to which it is visually intrusive is negligible.



*Figure 1 - View of the Front (South) and Side (East) elevations.*

Due to the toilets position within a site with World Heritage designation, Dorset Council's World Heritage Principal Officer had been consulted. A response was received stating that no comments were to be made due to the small scale of the proposal.

As a whole, the completed developments do not significantly alter that which was previously approved. As such, it is considered the amendments to that which was approved under 23/2626/FUL do not result in harm to the World Heritage and National Landscape designations. The landscape and visual impacts are acceptable and as such comply with Strategy 46, and Policy D1 of the adopted Local Plan.

The variations have no materially different impact on highways, drainage or flood risk.

## Compliance with Condition 3 and 4 of decision notice 23/2626/FUL.

In the first instance, the applicant failed to comply with condition 3 and 4 of decision notice 23/2626/FUL.

Condition 3 reads as follows:

*'Prior to any installation of any external lighting details shall be submitted to and approved in writing by the Local Planning Authority to ensure that nocturnal wildlife is not adversely affected by the development. The development shall be carried out in accordance with the approved plans.*

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

As part of this application, the applicant has submitted detailed specifications of the installed external lights. The LED lights are installed with diffusers and an 'eyelid' which reduces the harshness of light diffused and controls the direction to which light is emitted.

Such measures to reduce light pollution are considered to accord with the reason of the condition and are therefore acceptable.

Condition 4 reads as follows:

*'Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include the colour and finish of the hardieplank cladding, brick plinth, rainwater goods, parapet cladding, flat roof membrane and external doors. Details of the proposed metal clad parapet shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

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

No further details have been submitted on material finishes as required however the application is for retrospective permission. Regardless, upon completion of a site visit, it was considered that the proposed material finish does not significantly deviate from the visual appearance of the drawings permitted under permission 23/2626/FUL. As such, the materials used, although being prominent, are considered acceptable.

## **CONCLUSION**

From the discussion above, it is clear that the proposed development is relatively minor and would have minimal levels of impact upon both the World Heritage site and area with National Landscape designation. The submitted details for lighting are acceptable. As such, it is not deemed necessary to request any further details by way of condition. This is true too for condition 4 (materials) of planning application 23/2626/FUL.

## **RECOMMENDATION**

APPROVE subject to the following condition:

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.)

#### NOTE FOR APPLICANT

#### **Biodiversity Net Gain Informative:**

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemptions 4.2 (i) and 4.2 (ii) 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.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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.

Plans relating to this application:

1001 P01	Location Plan	15.12.25
LIGHTING DETAILS 1	Materials Schedule/Details	15.12.25
LIGHTING DETAILS 2	Materials Schedule/Details	15.12.25
AP(0)02	Block Plan	16.10.25
DR-A-2002 REV C04	Proposed Site Plan	16.10.25

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.

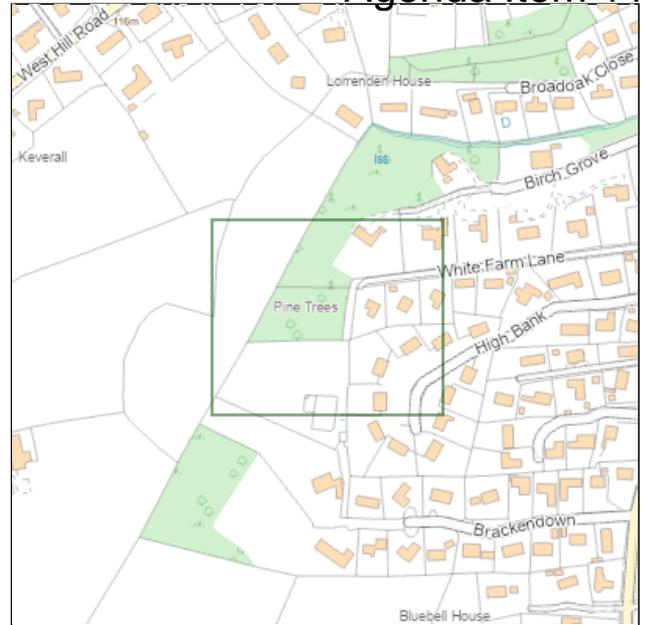
**Ward** West Hill And Aylesbeare

**Reference** 25/2209/FUL

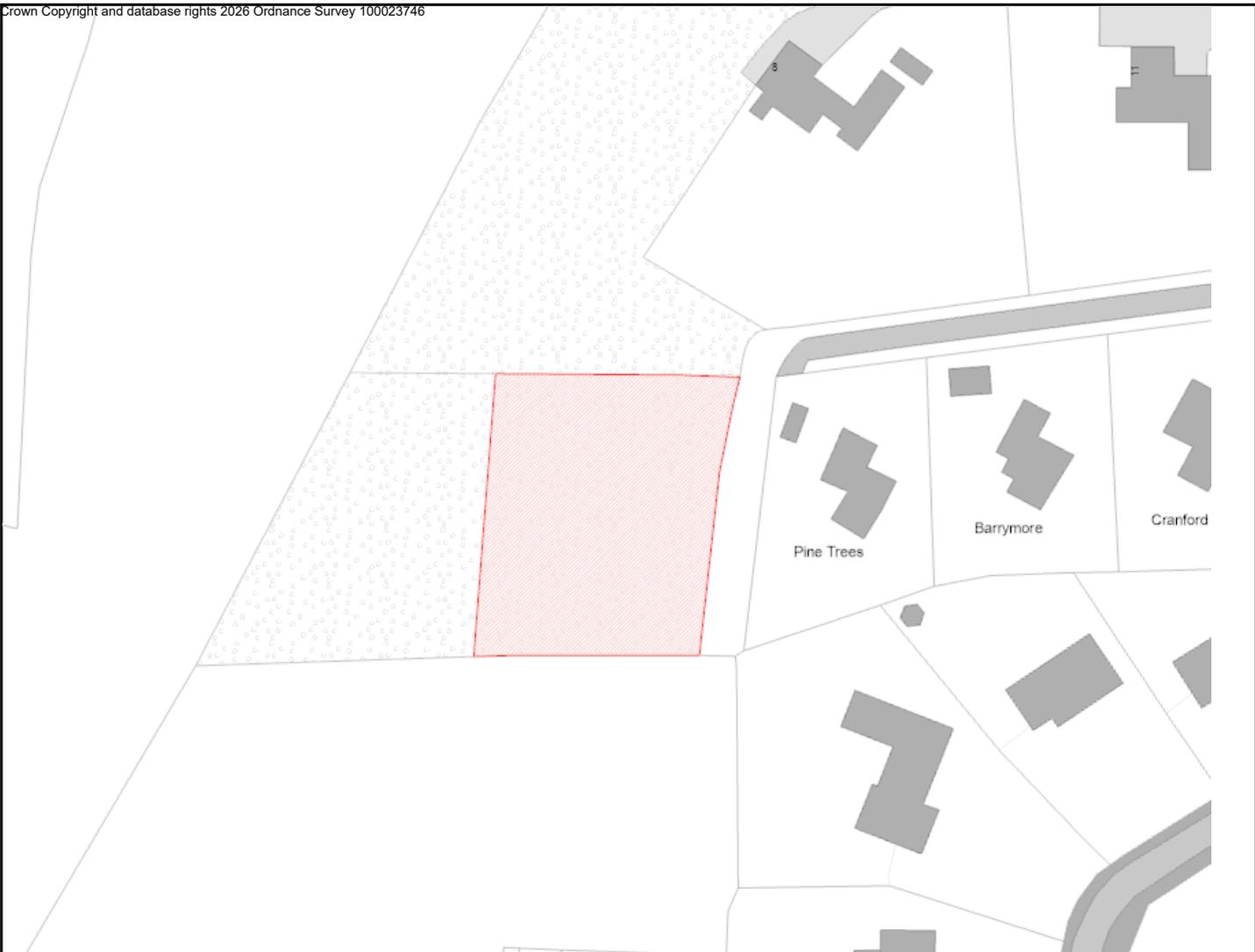
**Applicant** Mr Andrew and Paul Lightfoot

**Location** Land Adjoining White Farm Lane West Hill Ottery St Mary

**Proposal** Construction of 1no. dwelling



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 24.02.2026</b>
<b>West Hill And Aylesbeare (West Hill)</b>	<b>25/2209/FUL</b>	<b>Target Date: 27.02.2026</b>
<b>Applicant:</b>	<b>Mr. Andrew and Paul Lightfoot</b>	
<b>Location:</b>	<b>Land Adjoining White Farm Lane</b>	
<b>Proposal:</b>	<b>Construction of 1no. dwelling</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The application seeks full planning permission for the construction of a single dwelling on land adjoining White Farm Lane, West Hill. The site lies outside the Built-up Area Boundary (BUAB) and is therefore classed as countryside as described by Strategy 7 of the East Devon Local Plan. Such a development would conflict with both local and neighbourhood planning policies, and this conflict is acknowledged within the report.

However, a material change in circumstances has occurred since the previous refusal and appeal dismissal for a similar proposal in 2015. East Devon District Council can no longer demonstrate a five-year housing land supply, currently standing at 3.5 years. As a result, relevant local plan policies are considered out of date, and there is a presumption in favour of sustainable development (NPPF paragraph 11) beyond defined settlement boundaries.

The proposal has received objections from the Parish Council, the Tree Officer, and local residents, citing concerns including landscape harm, sustainability, tree loss, access, drainage, and landscape character impacts. The Tree Officer's objection centres on historic woodland clearance and the risk of future pressure to remove trees. The applicant has submitted Arboricultural and daylight assessments, which conclude that no tree felling is required and that adequate daylight can be achieved without future removal. A provisional Woodland Tree Preservation Order now covers the site and would provide additional long-term protection once confirmed.

Ecological impacts are considered manageable through conditions, and Biodiversity Net Gain will be delivered via off-site units. It is the officer view that proposed means of access, drainage, and foul treatment arrangements are acceptable. While the dwelling would still result in some landscape harm due to its countryside location and partial visibility, this harm is considered limited.

**When balancing the identified harms against the benefits, officers consider that the adverse impacts do not demonstrably outweigh the benefit of delivering an additional dwelling at a time of housing shortfall.**

**As such, the officer recommendation is approval subject to conditions covering tree protection, ecological mitigation, drainage, materials, landscaping, construction hours, and compliance with the statutory Biodiversity Gain Plan requirement.**

## **CONSULTATIONS**

### **Local Consultations**

#### Clerk To West Hill Parish Council

West Hill Parish Council (WHPC) discussed this planning application at a meeting on 2nd December 2025.

A previous application to build on this site was rejected at appeal. The site was then, and still is, outside the BUAB. It is therefore considered to be in countryside where Local Plan Strategy 7 applies.

Strategy 7 states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood plan policy that explicitly permits such a development and where it would not harm the distinctive landscape amenity and environmental qualities within which it is located.

At the time of the previous application there was no Local or Neighbourhood Plan policy which explicitly permitted such developments and nor is there today. The reasons that the previous application was rejected as unsustainable are equally valid today and therefore the current application should also be considered as unsustainable.

In section 4.4 of the Planning Statement it is argued that in the absence of a 5 year housing supply and given that the NP is over 5 years old there is a presumption in favour of sustainable development. The decision of the Planning Inspector previously, based on criteria which are just as valid today, ruled that the proposed development was unsustainable. Logically therefore the currently proposed development should also be considered unsustainable and therefore the arguments in section 4.4 are not valid.

The site, being outside the BUAB, is actually countryside. Building a substantial 3 storey 5 bedroom dwelling in this location which could be viewed from the nearby countryside would be intrusive and harmful to the local landscape and would be in direct conflict with strategy 7 of the local plan.

Given that the proposed development is outside the BUAB, would be visually intrusive and, using the same criteria as the previous application, is unsustainable WHPC objects to this application.

## Ward members

No comments received.

## **Technical Consultations**

### EDDC Trees

#### SITE HISTORY -

15/2052/OUT: Outline planning permission for the construction of a dwelling  
REFUSED

Appeal - DISMISSED.

25/0057/TPO Woodland Tree Preservation Order SERVED.

As per previous Tree Officer comments on the refused application 15/2052/OUT, 'The area of land to which this application relates was and remains woodland. Aerial photographs taken in 2010 show a complete canopy cover at that time. Between then and now the trees have been progressively felled. The issue was reported to the Forestry Commission (FC) as a potential breach of the felling licence regulations. The FC investigated the case... .., it is apparent that as a result of the felling being carried out over successive calendar quarters that the FC had no grounds to pursue any action relating to an illegal felling. The FC make a significant comment in their letter [to the owner], "In addition where clearance takes place in advance of a planning application it also undermines the planning process, masking the proposed developments true impact on trees and woodland. Over time natural regeneration of trees can be anticipated to restock the woodland.'

On site, it is still clear where the site has been cleared. This is further exacerbated by the fact that natural regeneration has not been allowed to take place as during the recent site visit, it could be seen all natural regeneration has been cleared; a pile of brashwood, mainly of Silver Birch was visible on site (note; Sweet chestnut was also visible which appear to be epimoric growth cut from nearby boundary trees). One stem of a twin stemmed Beech had also recently been felled and still remains in situ - it was not clear why this had been felled.

Overall the structure and condition of the remaining trees on site appeared be good. However, two Scots Pine directly to the south of the dwelling contain a number of woodpecker holes (which could be used as bat roosts); such features are indicators of internal decay and as such tend to be highlighted within tree risk assessments. As tends to be characteristic of sites where trees are in close proximity to dwelling, this tends to increase the likelihood of the trees being felled over safety concerns thus denuding the woodland cover further. Leaf and debris fall, lack of useable garden space and concerns over light levels are also likely to lead to pressure for further tree removal.

There is also one large wide spreading Beech located on a neighbouring property; some of the crown and RPA of the Beech will act as a constraint. The structure of the tree suggests it has historically been pollard. Concern has obviously been raised about the safety of the limbs as throughout the crown, the stems have been braced to minimise the risk of failure. This tree has not been included within the tree constraints plan though the RPA is likely to be impacted by any access drive installed.

It is noted no further trees are required for removal to facilitate the proposal though services will be required to be 'moled' to avoid impacting the rooting system of the

retained trees. The dwelling is proposed to be located outside of the RPA of all trees though to facilitate construction, tree protective fencing will need to be located within the RPA - therefore ground protection will be required. The AIA refers to a tree shade constraints plan though none has been provided. Shading is likely to be an issue throughout the day with trees located to the east, south and west of the dwelling. Shading in the later afternoon / evening is likely to be particularly significant due to the density of trees to the west of the dwelling.

Based on the history of site clearance, the recent clearance of natural regeneration and the likely future pressure for further tree removal I object to the proposal. It is considered that the development will not deliver a harmonious and sustainable relationship between structures and trees and is therefore considered to be contrary to policy D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.

A Woodland Tree Preservation Order has been served to ensure appropriate future management of the site.

### 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.

### Other Representations

14 third-party objections have been received. These objections can be summarised as covering the following points:

- o Outside the village boundary and conflicts with adopted planning policy.
- o Impacts upon trees and ecology.
- o Unsafe access and lane maintenance.
- o Weak infrastructure.
- o Drainage/sewage risks from the proposed treatment plant.
- o Impacts upon the character of the area.
- o Housing need.

## **PLANNING HISTORY**

15/2052/OUT - Construction of 1no. dwelling – Refused, dismissed at appeal.

Previous reasons for refusal:

1. The development proposed, by virtue of its location outside of the built-up area boundary of West Hill as defined in the Adopted and emerging East Devon Local Plan, would fail to respect the pattern of settlement of the village and encroach on the countryside. It would not therefore be well related, complementary or compatible with the built form of West Hill and would be contrary to the West Hill Design Statement, policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D1 (Design and Local

Distinctiveness) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

2. By virtue of the excessive distance to public transport links and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwellings would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, strategies 7 (Development in the Countryside) and 5B (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
3. Considering the scale of tree clearance and lack of replanting of this forestry land which has taken place prior to the planning application the requirement for further trees to be felled to accommodate a dwelling, and the future pressure associated with domestic gardens to fell trees, the scheme would result in the loss of a significant area of woodland and also of individual trees which bound the village, and contribute to the character of the area. As such the proposal is considered contrary to policies D5 (Trees and Development Sites) of the adopted East Devon Local Plan and D3 (Trees on Development Sites) of the submitted New East Devon Local Plan.

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## **POLICIES**

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

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

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

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN14 (Control of Pollution) Adopted

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

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

TC7 (Adequacy of Road Network and Site Access) Adopted

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

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP03 (Housing requirement by Designated Neighbourhood Area) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SD28 (Development allocations at West Hill) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

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

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy PB02 (Protection of regionally and locally important wildlife sites) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

#### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

#### Ottery St Mary and West Hill Neighbourhood (Made 2018)

2017-2031

Policy NP1 (Development in the Countryside)

Policy NP2 (Sensitive, High Quality Design)

Policy NP3 (Infill, Backland and Residential Garden)

Policy NP8 (Protection of Local Wildlife Sites and Features of Ecological Value)

Policy NP9 (Accessible Developments)

Policy NP26 (West Hill Design)

### Site Location and Description

The application site is located approximately 9 metres beyond the built-up area boundary of West Hill and adjacent to the road known as White Farm Lane which is the primary access route to the plot. The lane is a private road that stretches approximately 300 metres and joins to Higher Broad Oak Road, an unclassified road.

The plot is measured at approximately half an acre and is lined with mature trees of varying species. Since the submission of this application, these trees have been the subject of a Woodland Tree preservation order (25/0057/TPO). The centre of the site is relatively clear. The site does not benefit from any special designations and is located within Flood Zone 1.

The topography slopes down on a near east-to-west axis with a difference of 5m being observed on mapping data. Adjacent to the east is residential housing, to the west and south is agricultural land. To the north of the site is a densely wooded area.

### ANALYSIS

#### Proposed development

The application proposal is similar to outline planning application 15/2052/OUT which was refused and dismissed at appeal. Importantly, the Inspector identified that the proposal would have resulted in harm to the countryside and, given that at the time the LPA could demonstrate a 5-year-housing-land-supply (5YHLS), as per para 14 of the NPPF (March 2012) there was no presumption of favour in granting of the permission that would demonstrably outweigh the anticipated levels of harm which the proposal posed.

This submission is accompanied by an ecological survey, an Arboricultural survey and a daylight study. The latter two of which have been submitted as a means of addressing the third reason for refusal of planning application 15/2052/OUT.

The proposal is for a detached two-storey dwelling with a mezzanine loft space. The dwelling is comprised of two elements; the central gable element which is two-stories and includes the mezzanine loft space and, a single-storey element that projects from the western elevation. The scheme also proposes a detached double garage and associated access works.

The central element is of a contemporary design and features a projecting canopy and walls on the gable-ends. The roof is of a steep-sloping dual pitched design. The dwelling would measure approximately 11.2 metres in height when viewed from the west, and 8.5 metres in height when viewed from the east. The 2.7 metre disparity is due to the change in levels experienced across the site. This element of the scheme will also measure approximately 22.3 metres in length and 8 metres in width. This element would be situated upon a concrete plinth that forms the ground

floor, the first floor would be predominantly clad aluminium standing seam cladding with some faces being clad in timber.

The central element would feature a single-storey, flat roofed projection on the Western elevation which forms an en-suite bedroom. The roof of this projection would become a roof terrace. This projection measures approximately 8.2 metres in depth, 7 metres in width and 4 metres in height (excluding a glass balustrade) and be clad in timber.

On the Eastern elevation, the proposal would feature a raised, flat-roofed, glazed porch served by an external staircase.

The detached garage is of a similar design to the dwelling house. The garage would be of a steep sloping, dual-pitched roof design with projecting roof face and walls on the gable-end. The materials would match that of the dwelling house. The garage would measure approximately 8 metres in length, 7.5 metres in height and 7.5 metres in width.

The access to the site would be via an existing opening to the Northeast. The proposed drive would be a no-dig, grass surfaced drive situated on top of the existing ground.

### Principal of Development

The proposed development would be located beyond the Built-up-area-boundary of West Hill. In policy context, the proposal would be situated within the 'Countryside' as described within Strategy 7 of the EDLP. Development within these areas will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The need for housing over the next five years is an essential consideration in planning decisions. If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

The District Council can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF and is therefore significantly short of the required figure.

### Issues

The parish council have objected to the scheme, raising concerns for development in the countryside, the proposed location being unsustainable and the scheme being visually intrusive upon the landscape.

The Arboricultural officer has raised an objection due to historic site clearance, clearance of natural regeneration and the anticipated future pressure for further felling.

Upon review of the scheme and the objections, it is considered that the issues to be assessed are the impact upon trees, impacts upon ecology, impact upon the character of the area and landscape harm, location sustainability, issues relating to site access and services and, site drainage. Each of these issues will be discussed below:

### Impacts upon trees.

The district Arboricultural officer had identified a beech tree located on the adjacent site to the north that had been omitted from the tree survey and tree protection plan. This has since been addressed within a revised TPP and survey.

The Arboricultural officer cites historic clearance as one reason for their objection. This historic clearance is assumed to have occurred pre-2015 and in preparation for the later refused outline planning application 15/2052/OUT. In the appeal decision, the planning inspectorate confirmed that trees had been felled but stopped short of associating felling with the submission of the application. The inspectorate did however identify that the siting of a dwelling in an area that is now more exposed would be harmful to the landscape.

It should be noted that prior to the refused outline planning application being submitted, the Forestry Commission had undertaken an investigation into alleged illegal felling within the site. It has been argued by the applicant that any management of the woodland had been completed within the applicants permitted allowances and occurred beyond the redline boundary as shown within the location plan. The outcome of the investigation was issued to the applicant on 13<sup>th</sup> June 2014 where the Forestry Commission had concluded that no further enforcement action would be undertaken as no breach of the Forestry Act 1967 had occurred.

The Arboricultural officer has concluded that recent clearance of natural regeneration and the likely future pressure for further tree removal will contradict the requirements of EDLP Policy D3 (Trees and Development sites). Policy D3 does not permit development where the proposal would not deliver a harmonious and sustainable relationship between structures and trees.

The applicants Arboricultural Impact Assessment (AIA) has been informed by a daylight/sunlight study, produced by Richard W Stag MRICS. The survey considers reason-for-refusal 3 of application 15/2052/OUT and concludes that the dwelling would receive sufficient levels of daylight as required by BR209 (2022). The AIA concludes that additional felling would not be required, and the application does not propose any felling.

In their appeal decision, the planning inspectorate agreed that felling would not be required to accommodate the development however, concerns were expressed about prospective future felling as means of achieving optimum levels of light. It should be noted that the woodland has been the subject of a Provisional Woodland Tree Preservation Order which had been served since the submission of this application. The presence of this TPO will provide additional protection to the trees within the site and permission will be required for ongoing maintenance. The submitted tree protection plan and daylight survey confirms that no trees will be felled to accommodate the development. The findings within the daylight survey confirm that, if approved, the proposed dwelling would not require future tree felling to afford sufficient levels of day light within the dwelling. As such, the proposed development would be considered both harmonious and sustainable and is therefore considered to align with the requirements of Policy D3 of the EDLP.

#### Impact upon ecology.

The applicant has submitted an Ecological report completed by Redstone Ecology in October 2025. The report identifies that the site may be used by foraging bats but not suitable for roosting. There was no evidence of badger setts being located within the site; however, a main sett was located offsite and approximately 20 metres to the west of the redline boundary. The site is considered suitable for nesting and foraging birds.

The ecological report assesses the unmitigated effect of the proposal during and following construction and proposes mitigation measures to address any prospective harm during and following construction. A Natural England license is not deemed to be required. The measures outlined within Section 4 of this survey can and should be conditioned if an approval were forthcoming.

The implementation of a condition would ensure that the proposed development would mitigate any ecological harm, thus reducing the proposal's ecological impact. Subject to the implementation of a condition, the proposed development would be considered to align with the requirements of Policy EN5 of the EDLP.

### Biodiversity Net Gain

The proposed development would be the subject of Biodiversity Net Gain. The submitted statutory metric calculations indicate that there would be a net-loss of habitat area equating to 27.81%. The scheme would not be able to off-set such a loss through on-site measures. The BNG statement confirms that off-site biodiversity units will be acquired to satisfy the BNG statutory requirements.

Whilst it would be preferable for BNG to occur within the site, the securing of off-site BNG credits aligns with the statutory requirements as described within Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

### Impacts upon access and services.

The site would be accessed via an existing access point served by White Farm Lane. White Farm Lane is used by 5 dwellings. The addition of one dwelling is not anticipated to compromise the road safety of users of both White Farm Lane and Higher Broad Oak Road. The comments received suggest that construction vehicle traffic would significantly impact the safety and use of the lane. These impacts would be temporary and exclusively during the construction phase. The development for one dwelling is a small form of development that would not necessitate the implementation of a construction management plan.

### Drainage

Concerns have been raised with regards to drainage and sewage. The application proposes the use of soakaways for surface water run-off management and a package treatment plant to manage foul sewage. The soakaway, package treatment plant and associated infrastructure would be located beyond the root protection areas of any trees. The package treatment plant would require regular maintenance and servicing however, this could be completed within the site and it is not anticipated that such maintenance would impact the wider road network. If an approval were forthcoming, the use of soakaways would be conditioned.

The applicant has described that the use of a package treatment is required due to the topography of the land. The nearest connection point to the mains foul drainage is 30 metres to the East of the site. This connection sits at approximately 3.5 metres above the ground floor level of the dwelling meaning that such a connection is not feasible. Mapping data suggests that ground conditions are freely draining and subsoil drainage is therefore considered suitable. As such, it is considered that a private means of foul drainage is suitable for the site and the application therefore aligns with the requirements of Policy EN19 of the EDLP.

### Impact upon the character of the area and landscape harm.

The proposed development would be located at the end of White Farm Lane, a private road that stems from Higher Broad Oak Road (Figure 1). When walking along White Farm Lane, the site is tucked away behind dense boundaries on the right and residential structures on the left (Figures 2 and 3).



Figure 1 - View facing West along White Farm Lane. Image taken from Higher Broad Oak Road.



Figure 2 - View of the entrance to the application site. Image taken from White Farm Lane



*Figure 3 - View into the application site from White Farm Lane.*

The proposed dwelling is large, and the proposed use of standing seam cladding is considered out of character with materials used elsewhere along White Farm Lane. With this said, the proposal is located far along and tucked back from the private road. Although the scheme is situated along White Farm Lane, its distance from neighbouring houses is enough to be considered visually separate so as not to influence the character or existing patterns of development of the dwellings located along the lane.

The drawings indicate the use of a brown-like colour for the standing seam cladding as well as timber. Such colours would be comparable to those naturally occurring on the site (Figure 4). There are no views of the site when moving along Higher Broad Oak Road meaning that despite the proposal's size and material finish, it would not be impactful upon the character of the street.

When facing towards the applicant site from the B3180 and West Hill Road, views towards the application site are blocked by the presence of mature trees and dwellings that line the east and southeastern sides of the streets. Views towards the site would be achieved through small, sporadic gaps found between trees and dwellings.

When considering the limited opportunity to view the site, the existing boundary treatments and the proposed materials which are comparable in colour and tone to the surrounding flora, the scheme's prominence would be reduced.



*Figure 4 - View of the application Site facing Southwest. Image taken from within the site.*

The planning inspectorate concluded in their appeal decision that a single dwelling in this location would be an intrusive feature in the countryside which would be harmful to the character of the local landscape. Whilst efforts have been made to reduce the scheme's prominence within the landscape, it can be concluded that by virtue of the proposal's location beyond the built-up area boundary and its siting amongst an area of woodland, that the scheme would still be considered harmful to the character of the landscape. The scheme would therefore be considered contrary to the requirements of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the EDLP. This weighs negatively in the planning balance.

#### Location sustainability.

A site visit was conducted on 04/11/2025. During this visit, it was noted that White Farm Lane does not benefit from any road-side footpaths or street lighting, neither does Higher Broad Oak Road. Higher Broad Oak is an approximate 15-minute walk to the centre of West Hill where there are an array of services including (but not limited to) shops and a post office and approximately a 20-minute walk to the nearest bus stop and school. The walk from site to these services was conducted during the visit and it was noted that the walk was considered to be relatively 'hilly' but not excessively. Others were observed walking along Higher Broad Oak Road and traffic was travelling at low speeds. It was felt that, despite the rural nature of the roads, the walk could be reasonably completed by foot or bicycle if required. The nature of the roads may encourage occupants to use vehicles as opposed to walking or cycling, especially in poor weather conditions. The planning inspectorate concluded within their appeal decision for 15/2052/OUT that the site would not necessarily be considered sustainable but that it would also be unreasonable to withhold permission for this type of development within West Hill on the basis of the need to travel by car.

#### Relevant Appeal Decisions

There are two notable appeal decisions within West Hill which are material to the determination of 25/2209/FUL

this application; application 15/20252/OUT which was outline consent at the application site and, 23/2612/OUT which was for five dwellings located beyond the built-up-area-boundary of West Hill.

The appeal decision for application 15/2052/OUT has been discussed throughout this report. The conclusions from the inspectorate's report, based on the submitted information, anticipated that future occupants may seek to fell more trees to achieve suitable levels of light which would contribute to an intrusion into the countryside. This application has submitted additional surveys which conclude that this will not be required. The appeal decision confirms that for development beyond the BUAB of West Hill, it would be unreasonable to withhold consent based on the need to travel by car. This specifically addresses reason-for-refusal two of the decision notice. Finally, the appeal decision concludes that as the LPA could demonstrate a 5YHLS at the time of appeal, the EDLP was considered up to date and that there was no presumption in favour of granting permission to outweigh the anticipated harm to the character of the countryside.

The appeal decision for application 23/2612/OUT was published on 17<sup>th</sup> July 2025. At the time of this decision, the LPA could not demonstrate a 5YHLS meaning there was a presumption in favour of sustainable development. In that instance, the scheme proposed 5 dwellings situated along Lower Broad Oak Road, some 200 metres from the BUAB of West Hill. The inspectorate concluded that the scheme was not poorly located to facilities and services such that it amounted to a harm of significance or demonstrable nature. Despite identifying visual landscape harm, the harm attributed to the development did not demonstrably outweigh the public benefits associated with the scheme.

#### Habitats Risk Assessment

The site is not located within any Special Area's of Conservation or Special Protection Area. The site is not part of, nor is it likely to have a significant effect on, a European Site. The proposal would however be located within the Pebblebed Heaths 10km buffer zone. The applicant has paid a habitat mitigation fee to mitigate against any adverse effect of the development on the Pebblebed Heaths Special Protection Area.

Due to the site's location beyond the Special Protection Area and, given that the development is not likely to have a significant effect upon a European site, the proposal can be screened out of requiring an appropriate assessment.

#### The Planning balance.

Since the appeal dismissal of application 15/2052/OUT, there has been a material change in circumstances in that the district is currently unable to demonstrate a 5 YHLS. As the site is not located within an area as described within footnote 7 of the NPPF 2024, there is a presumption in favour of sustainable development as set out within Paragraph 11 of the same document. As the district cannot demonstrate a 5YHLS, the policies in the local plan important for determining this application is considered out of date and carry reduced weight. Paragraph 11 of the NPPF requires that the adverse impacts of the development be demonstrably outweighed by the benefits of the scheme.

In this instance, the landscape harm is associated by the principle of a proposed dwelling being located within the countryside and the scheme being somewhat visible notwithstanding its woodland setting. The application has provided Arboricultural assessments and surveys which conclude that there will not be any loss of trees. Tree Preservation Orders have since been applied to the trees on site which will grant additional protections.

The appeal decision of application 15/2052/OUT confirms that it would be unreasonable to withhold consent on the basis of a development located within West Hill requiring transport by vehicle. The locally allowed appeal decision for application 23/2612/OUT being of a comparable distance from services further supports this view.

Whilst landscape harm has been identified and the scheme is considered contrary to local plan policies, these policies are attributed less weight due to the lack of a 5-year housing land supply.

The harm attributed to this scheme is considered to be limited. The benefits attributed to this scheme of delivering one dwelling are also considered limited. It can therefore be concluded that the anticipated levels of harm do not demonstrably outweigh the benefits of an additional dwelling, and the scheme should therefore be permitted on this basis.

## **CONCLUSION**

From the discussion above, it is clear that the proposed development would be in conflict with the local and neighbourhood development plans. As the LPA cannot demonstrate a 5 YHLS, the weight to which policies within these plans carry is reduced. The harm attributed to the scheme does not demonstrably outweigh the public benefits of an additional dwelling within the LPA's housing stock. The scheme is therefore considered acceptable in this context and recommended for approval with conditions.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development. No soakaway or other drainage feature shall be sited with the root protection area of any tree within or adjacent of the site.

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

4. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving,

temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a revised Tree protection plan (TPP) that includes ground protection measures and a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved TPP and AMS. The AMS shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

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

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

5. The development shall be carried out strictly in accordance with the recommendations found within the document titled 'Ecological Assessment - Proposed New Dwellings', specifically with reference to section 4, received by the local planning authority on 28/10/2025, dated October 2025 and produced by Redstone Ecology.

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

6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of

Pollution of the Adopted East Devon Local Plan 2013-2031).

7. Prior to the commencement of the development hereby approved details of a water conservation and efficiency strategy shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall make provision for the use of water butts of a minimum capacity of 110 litres per bedroom and these shall be installed and brought into use prior to the first occupation of the dwellinghouse to which they relate and thereafter maintained and retained.

(Reason : A pre-commencement condition is required in order that details are considered at an early stage of the development in the interest of water conservation and to reduce potential surface water run-off from the site in line with Policy EN22 (Surface Run-off Implications of New Development) of the adopted East Devon Local Plan 2013-2031); SuDS for Devon Guidance (2017) and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

8. No development shall take place until the following information has been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details. (Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

9. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

10. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- o Means of enclosure;
- o Boundary treatments;
- o Hard surfacing materials;
- o Planting scheme and schedule
- o An implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance

with the agreed implementation programme.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

11. 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 development permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) 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 planning concerns; however, in this case the application was deemed acceptable as submitted.

#### **Biodiversity Net Gain Informative:**

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

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

The BG conditions states that **development may not begin unless:**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is

permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

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

#### Irreplaceable habitat

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

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

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

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

**For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan)**

#### Plans relating to this application:

25.19-01 G	Proposed Site Plan	19.01.26
25.19-04 REV B	Proposed Elevation	28.10.25
25.19-03 REV A	Proposed Elevation	28.10.25
25.19-02 rev B	Proposed Floor Plans	10.11.25
25.19 -SLP Rev B	Location Plan	14.11.25

#### 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.



		<b>Committee Date: 24.02.2026</b>
<b>Exmouth Halsdon (Exmouth)</b>	<b>23/2740/OUT</b>	<b>Target Date: 14.02.2024</b>
<b>Applicant:</b>	<b>Mr B Penny</b>	
<b>Location:</b>	<b>Land South Of Courtlands Lane</b>	
<b>Proposal:</b>	<b>Outline permission for the construction of up to six dwellings sought with all matters reserved other than access</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**The application must be considered by the Planning Committee because the officer recommendation conflicts with comments received from Lympstone Parish Council, Exmouth Town Council and from Ward Councillors.**

**Under the current Local Plan, the application site is outside of the Built-up Area Boundary but is an allocated site in the emerging Local Plan, which now carries slightly greater weight in decision making owing to the Plan going through the second round of Regulation 19 Consultation.**

**A further material consideration is East Devon's housing land supply position which engages the presumption in favour of sustainable development.**

**The site is attractive with wide views across to the Exe Estuary. In terms of the coastal preservation area the proposal sits between existing development to the east and west which would limit damage to the open status of the area. Some adverse impacts are noted to the surrounding landscape character and in views from the south and east of the site where the development would break the ridge line. Again, this would be seen in the context of surrounding development. There is potential for vehicular access to be brought through the proposed allocated site to the north (Lymp-07) to reduce impacts to residents along Courtlands Lane, although DCC Highways raise no objection to the use of the existing lane to access the development.**

**In terms of the impact upon Grade II listed Lympstone Manor, there are a number of existing buildings between the listed building and the application site, which together with existing trees and vegetation would limit intervisibility between the two sites. It is considered that it would be possible for a scheme to come forward which would avoid any harm to the setting of Lympstone Manor.**

**Applying the tilted balance, the conflict with policies contained within the development plan aimed at protecting the landscape character does not significantly and demonstrably outweigh the benefits of the scheme, which would provide six dwellings immediately adjacent to the BuAB of Exmouth.**

**Accordingly, the officer recommendation is one of approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Clerk To Lympstone Parish Council**

26.01.2024

Recommendation: Object

Lympstone Parish Council object for the following reasons:

- o Impact on the Coastal Preservation Area - visual openness and views to and from the Estuary.
- o Outside BUAB.
- o Contravenes both Exmouth Neighbourhood Plan and East Devon Plan.
- o Lack of amenities.
- o Single lane access, no pavement.
- o Not in keeping with the surrounding area, and the established single line of neighbouring properties.
- o Disrupts the skyline.
- o Overdevelopment of area.

Lympstone Parish Council notes the following for a previous site application: 14/2752/FUL (for 2 houses) and the reasons cited for refusal, including reasons listed by Natural England, and the impact of suburban design, size and massing of the 6 properties and the site's close relationship with heritage listed buildings. The development of six dwellings would represent an unacceptable visual and physical intrusion into the surrounding countryside and is contrary to national and local policies designed to safeguard encroachment into open countryside and where special justification is required for new housing. The application also contravenes NPPF guidance that "development will only be permitted where it would not harm the distinctive landscape amenity and environmental qualities".

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

#### **Exmouth Town Council**

17.01.2024

Objection; this application lies outside the built up area boundary for Exmouth within the Coastal Preservation Area and therefore defined as development in the

Countryside. This proposal for the construction of 6 dwellings is an area where development is strictly controlled in order to safeguard from encroachment. The proposal was considered to be visually intrusive, interrupting the visual openness and views to and from the sea. The proposal was therefore contrary to Policy EN1 of the Exmouth Neighbourhood Plan which states that development will only be permitted where it would not harm the distinctive landscape or have an adverse disruption of a public view which forms part of the distinctive character of the area or otherwise causes significant visual intrusion. Concern was also raised regarding preserving the green wedge between Exmouth and Lympstone and the ecology on the site. Members shared the concerns of objectors to the application regarding highway safety. The proposal was considered to be unsustainable development due to its location on a narrow country lane and lead to dependence on the use of the private car as a primary means of transport contrary to policy TC2 of the EDLP.

### **Exmouth Town Council**

Meeting 13.10.25

Objection sustained. The amended plans fail to address the concerns previously raised by the Town Council, Lympstone Parish Council, and other statutory consultees ' particularly those outlined by the EDDC Landscape Architect. Members also express concern regarding the comments from Devon County Highways. There appeared to be errors within the submitted plans. The number of proposed dwellings did not resolve the area's housing supply issues.

### **Clerk To Lympstone Parish Council**

22.10.25

Recommendation: Strongly Object

Lympstone Parish Council strongly objects for the following reasons:

- o Impact on the Coastal Preservation Area - visual openness and views to and from the Estuary.
- o Outside BUAB
- o Contravenes both Exmouth Neighbourhood Plan and East Devon Plan.
- o Lack of amenities.
- o Single lane access, no pavement.
- o Not in keeping with the surrounding area, and the established single line of neighbouring properties.
- o Disrupts the skyline.
- o Overdevelopment of area.

Lympstone Parish Council notes the following for a previous site application: 14/2752/FUL (for 2 houses) and the reasons cited for refusal, including reasons listed by Natural England, and the impact of suburban design, size and massing of the 6 properties and the site's close relationship with heritage listed buildings. The development of six dwellings would represent an unacceptable visual and physical intrusion into the surrounding countryside and is contrary to national and local policies designed to safeguard encroachment into open countryside and where special justification is required for new housing. The application also contravenes NPPF guidance that "development will only be permitted where it would not harm the distinctive landscape amenity and environmental qualities".

### **Woodbury And Lympstone - Cllr Geoff Jung**

I have viewed the further documents submitted for 23/2740/OUT. An outline permission for the construction of up to six dwellings sought with all matters reserved other than access on land south of Courtlands Lane Exmouth. The location is off Courtlands Lane which forms the boundary between Lympstone and Exmouth. This site was included in the new emerging EDDC Local Plan as site EXMO 23 and was considered to be appropriate for development. The officers comments were 'Some care will be needed to avoid and limit possible adverse landscape and heritage impacts.'

There are now 2 possible suggested layouts with one for 6 houses and another for 12 houses, although the applications was originally for 6 on a smaller plot but it now also suggests a possible 12 dwelling development for the whole of the EXMO 23 site.

As this site is included in the emerging local plan, I would support this application, but I do have serious concerns of the South West Waters ability to accommodate these further dwellings into the Exmouth infrastructure and treatment works at the present time.

I therefore unable to support this application at this time However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against

### **Woodbury And Lympstone - Cllr Ingham**

I recommend this application for refusal because:

It is in the Green Wedge

In the Coastal Preservation Area

Has a compounding negative effect on the adjacent listed buildings

Outside the BuAB

Although the site was allocated through the eEDLP, I certainly do not subscribe to it, more does the local community.

I know Michael Caines of Lympstone Manor sees development in the Courtlands dip as a threat to the sustainability of his business

Approval of this application would fly in the face of public opinion and the environmental needs of Exmouth environs.

### **Exmouth Halsdon - Cllr Fran McElhone**

In addition to the reasons outlined by Cllrs Jung and Ingham, with which I concur, I can't support this application because it appears that these are houses for houses sake, rather than addressing the actual need, which is for affordable homes, not for even more homes for the wealthy, for whom there are plenty of existing options.

### **Exmouth Halsdon - Cllr Tim Dumper**

I wanted to register an objection to this application, together with a comment on the site plan.

Land in this area has been open countryside, assisted by the late Jack Long's bequest to the National Trust, close by. Land on both sides of Courtlands Lane have been maintained as undeveloped, to protect against coalescence between Exmouth and Lympstone, to protect local protected species eg Cirl bunting , and local heritage assets at Lympstone Manor (formerly Courtlands House). This area is also in or very close to the Coastal Preservation Area. For these reasons, I continue to see this site as unsuitable for development.

Previously the nature of Courtlands Lane and its unsuitability for further traffic increase has given rise to local objection. The figures given in the 2022 very brief DCC Highways survey are questioned locally and therefore the lack of objection from that body. It is felt this underrepresents the amount of traffic. Large numbers of "refuges " are cited as passing places towards the A376. These are people's gateways, and their use in this way has given rise to damage to property.

The suggestion that EDDC's 5 year land supply will be increased sufficient to justify developing this unsuitable site is almost laughable.

The site plan seems wrong, in that a building is shown close to the most westerly house existing neighbouring the site. No such building would appear to exist.

### **Technical Consultations**

**EDDC Trees** – no objection

**Conservation** - Objection

Visibility splay may impact upon historic boundary wall to Lympstone Manor. Further ribbon development along this area of Courtland Lane being the east side of the access could be designed without affecting the setting of Lympstone Manor providing the standard is good; however a cul de sac design would introduce a suburban character to the lane that currently isn't there.

**Historic England** - No comment

**Housing Strategy/Enabling Officer** - Objection - In the new emerging Local Plan, this site is allocated for 12 dwellings. Therefore, this application appears to be under development of the site in order to circumnavigate the Affordable Housing policy.

**Exeter & Devon Airport - Airfield Operations+Safeguarding** - No objection

**EDDC District Ecologist** - No objection subject to conditions

**EDDC Landscape Architect**

21/02/2024- The development of the site is likely to give rise to a number of direct and indirect adverse effects on the site and surrounding landscape character including the loss of green field to built development which, due to the ridgeline setting, would break the skyline in views from the south and southeast.

Conditions proposed if recommended for approval.

20/01/2026 - Potential to re-route access through Lymp 07 side to north. The illustrative layout is an improvement on that originally submitted.

**Devon County Council Education Dept** – contribution required towards secondary education

**South West Water** - sufficient capacity for flows from this site.

**County Highway Authority** - No objection

**Environmental Health** – No objection subject to a condition requiring a Construction and Environment Management Plan (CEMP)

#### Other Representations

63 third party representations have been received, with 59 representations of objection and 4 representations of support.

A summary of grounds for objection are as follows:

- The site is in the Coastal Preservation Area (Strategy 44) and the proposal would be detrimental to the undeveloped /open status of the area.
- The proposal would have a detrimental impact upon the setting of grade II Lympstone Manor.
- Light pollution would have a detrimental impact upon ecology.
- Highway and pedestrian safety concerns regarding the use of the narrow access lane which has no pavements or streetlight, no passing places and is well used walking route which could lead to further conflict between cars and pedestrians.
- Traffic data used within the application is insufficient to allow for a genuine assessment of traffic impacts.
- The proposal would be highly visible from National Trust land and other publicly accessible viewpoints.
- An application for 2 houses on the same site was rejected in April 2015 on the grounds that the scheme would represent an unacceptable physical and visual intrusion into the countryside.
- The development could set a damaging precedent for further encroachment into the Coastal Preservation Area.
- Approving the scheme for only six dwellings could prejudice the plan-making process and undermine the delivery of a comprehensive 12-dwelling development as envisaged in the draft allocation.
- The rural location may encourage car dependency with limited access to services, public transport, or amenities,
- The proposal does not make any provision for affordable housing and the application appears to be seeking to flout affordable housing thresholds.
- The proposal would increase the risk of surface water run off and localised flooding.

A summary of grounds for support are as follows:

- The proposal would provide much needed housing supporting the local economy.
- The site is close to transport links and is allocated in the forthcoming Local Plan.
- The site sits outside of the East Devon National Landscape and the Green Wedge.

## **PLANNING HISTORY**

<b>02/P1289</b>	Change Of Use From Residential Home To Part Function Suite & 3 Flats, Approval 22.10.2002.
<b>06/1050/COU</b>	Change of use from function suite to single residence (Application 02/P1289). Approval , 20/06/2006
<b>07/3141/COU</b>	Conversion and extension of existing barn to form 4 no stables, tack room, hay/feed store and tractor store. Approval 15/02/2008.
<b>08/2176/AGR</b>	Erection of timber store for machinery/tools and greenhouse Approval , 03/10/2008
<b>12/0211/PREAPP</b>	Six detached dwellings. Response 03/12/2022.
<b>14/2752/FUL</b>	Construction of two detached dwellings and detached garages with new accesses off Courtlands Lane. Refusal, 10/04/2015.
<b>23/0016/PREAPP</b>	Response 23 June 2023.

## **POLICIES**

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN14 (Control of Pollution) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted  
TC2 (Accessibility of New Development) Adopted  
TC7 (Adequacy of Road Network and Site Access) Adopted  
TC9 (Parking Provision in New Development) Adopted

#### Exmouth Neighbourhood Plan (Made)

- Policy EN5: Impact from additional surface water resulting from development should be controlled and satisfactorily mitigated.
- Policy EB1: Development proposals should seek to conserve heritage assets.
- Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design.
- Policy GA3: All new housing and employment development proposals should, where feasible, seek to connect with the existing footway and cycle network or seek opportunities to further develop the network to ensure connectivity. Such proposals should be mindful of the Strategy for Cycle Routes in Exmouth.

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

- Strategic Policy SP03 (Housing requirement by Designated Neighbourhood Area) Draft
- Strategic Policy SP02 (Levels of future housing development) Draft
- Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
- Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft
- Strategic Policy SD01 (Exmouth and its development allocations) Draft
- Strategic Policy AR01 (Flooding) Draft
- Strategic Policy DS01 (Design and local distinctiveness) Draft
- Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
- Policy TR04 (Parking standards) Draft
- Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft
- Strategic Policy OL01 (Landscape features) Draft
- Strategic Policy OL03 (Coastal Preservation Areas) Draft
- Policy OL09 (Control of pollution) Draft
- Strategic Policy PB04 (Habitats Regulations Assessment) Draft
- Strategic Policy PB05 (Biodiversity Net Gain) Draft
- Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
- Policy PB08 (Tree, hedges and woodland on development sites) Draft
- Policy HE02 (Listed buildings) Draft

#### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

#### ANALYSIS

#### Site Location and Description

The site is an undeveloped agricultural field south of Courtlands Lane, part of a larger field immediately east of the entrance to Lymphstone Manor (formerly listed as Courtlands House), a Grade II listed country house hotel on the eastern banks of the Exe estuary. A hedgerow boundary runs along the northern boundary frontage of the site, with a further beech hedgerow with evergreen oak trees and gaps for gates to the south.

There is currently a gated access into the field. The site occupies an elevated and open position with wide views back to the Exe Estuary. This part of Courtlands Lane is a very narrow single-track lane, and development is characterised by a linear pattern of development of detached and semi-detached properties fronting onto Courtlands Lane.

The site is accessed from the four-way crossroads off the A376. Courtlands Lane joins up with the Sustrans National Cycle Path just south of Lymphstone.

The site is in the countryside, outside of but contiguous with the Built-up Area Boundary of Exmouth, as defined by the current East Devon Local Plan, and also falls within an area designated as a Coastal Preservation Area under the local plan. The land immediately to the north of Courtlands Lane is designated as a Green Wedge under the Local Plan. Lymphstone Footpath 7 runs north from Courtlands Lane 100 metres west of the site, which forms part of the East Devon Way, a 40 mile route between Exmouth and Lyme Regis.

### Proposed Development

Outline planning permission is sought for residential development on the site for up to 6 dwellings. Permission is sought for access only with matters of appearance, layout, scale and landscaping reserved for future consideration. An indicative site plan has been provided with the application which shows a site layout of 6 detached dwellings arranged in a cul-de-sac form with vehicular access taken from Courtlands Lane and a new access into the application site off the private access road into the Courtlands estate. The indicative site plan shows an attenuation pond to be provided to the south of the existing hedgerow in an adjacent field.

### Analysis

The principal issues for consideration are

- The principle of development,
- Access to service and facilities
- Design impact on character of site including landscape impact
- Heritage
- Residential / Neighbour Amenity
- Highways, access and parking
- Ecology / biodiversity
- Biodiversity Net Gain

### Principle of Development

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

Under the adopted Local Plan, the application site sits outside of the Built-up Area Boundary (BuAB) and is therefore within the countryside in planning policy terms and therefore subject to the provisions of Strategy 7, 'Strategy 7 - Development in the Countryside'. 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.

Under the current local plan, there are no policies or neighbourhood plan policies that would permit the development of housing outside the BuAB.

However, the emerging Local Plan has reached the regulation 19 stage of production and consultation and is now open for the second Regulation 19 Local Plan Consultation, the first round of consultation having already been completed. This means that the emerging plan now carries slightly greater weight in decision making.

Emerging Strategic Policy SP01: Spatial strategy, seeks to direct new development towards the most sustainable locations in East Devon by focusing new development at the West End of the district, and other than at the West End, by promoting the most significant development levels at the Principal Centre of Exmouth. Emerging Strategic Policy SD01: Exmouth and its development allocations, identifies the site which is the subject of this application, as an allocated site, listed under Allocation Exmo\_23.

The Policy states:

*"Land to the South of Courtlands Lane (Exmo\_23). This land, south of Courtlands Lane, will form a small-scale development on the northern side of Exmouth to accommodate around 12 new homes. The scheme will need to demonstrate how safe pedestrian access, avoiding on-road walking, will be achieved to surrounding and neighbouring areas".*

Land to the north of Courtlands Lane is also allocated for housing under allocation (Lymp\_07) Land at Courtlands Cross. This allocation looks to accommodate around 100 new homes and 0.4 hectares of employment land. The field to the west of Lymp\_07 is allocated for delivery of sports pitch uses. The allocation states that that any development coming forward should provide safe off-street pedestrian and cycle access linking into adjacent areas including allocated site Exmo\_23.

A further material consideration is East Devon's housing land supply position which currently stands at 3.5 years, which engages the presumption in favour of sustainable development, as at NPPF Para 11d, whereby permission for development proposals should be granted unless the application of policies within

the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

In light of the presumption in favour of sustainable development, the principle of development could be seen to be acceptable subject to an assessment of the other impacts of the proposal, including the impact upon the Coastal Preservation Area.

#### Access to service and facilities

The site is considered to be in a broadly sustainable location on account of the fact that it is immediately adjacent to the BUAB of Exmouth and lies on the edge of the District's largest town. Courtlands Lane is narrow with no pavements or streetlighting however the crossroads to the A376 lie 250 metres to the east of the site. The road is straight which would allow for good visibility along the full length of the lane, which is currently well used by residents and walkers. The site has good access to sustainable modes of transport including bus, train and access to the Sustrans National Cycle Path.

The illustrative site plan submitted for application 25/1460/MOUT, which refers to allocation Lymp\_07 to the immediate north of the site, shows a pedestrian route through the site from Courtlands Lane which could allow this application site to fully comply with the wording of the allocation to provide safe pedestrian access, avoiding on-road walking. However, this application has not been approved and until the Lymp\_07 site is developed there would be no dedicated safe pedestrian route for the 250 metres stretch of road to the junction with the A376.

The lack of pedestrian access weighs negatively in the planning balance and means the proposal is not fully compliant with Local Plan Strategy 5B and Policy TC2.

#### Design impact on character of site including landscape impact

The site is a small paddock which slopes down to the south west. Land to the north, south and south east of the site is mixed farmland delineated by hedgebanks and trees, with much of the land to the south of the site being owned by the National Trust. As noted by EDDC's Landscape Architect the land is particularly attractive. From the site there are wide views over the Exe Estuary to the Haldon Ridge. The urban envelope of Exmouth is visible to the south and east, and the upper parts of Lympstone Manor and a few residential properties are visible to the west.

A permissive but well used pedestrian and cycle route runs approximately 250 metres south of the site, linking Exeter Road and the Exe Valley Trail. The site is clearly visible from this path. From Courtlands Lane and Exeter Road, views over the site to the Exe Estuary are only visible in glimpses and are heavily filtered by the hedgerow. The site is also visible over a short length of the A376 to the southeast of the site, and is also visible from properties along Seafeld Avenue, approximately 550 metres south of the site.

The site lies within the Coastal Protection Area where, in accordance with the Local Plan Strategy 44, 'development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.'

The site falls within the Exe Estuary Farmlands Landscape Character Area (LCA) as defined in the Devon Landscape Character Assessment. The overall strategy for this LCA seeks to protect extensive open views across the landscape to the estuary, coast and high ground of the Haldon Ridge and Woodbury Common; to protect and enhance the area's valued maritime character; to ensure that new development reinforces the historic settlement pattern and vernacular character.

The East Devon Landscape Character assessment (2019) places the site within Landscape Character Type (LCT) 3B, Lower rolling farmland & settled valley slopes, which is characterised as a predominantly agricultural landscape with a gently rolling landform, sloping up from valley floor which contains many hedgerow trees, various settlement sizes, building ages, patterns and styles and a variety of building materials, including stone, cob, whitewash/ render, slate, thatch and tile. The LCT is noted as being a productive, working but still attractive landscape containing numerous historic and archaeological features.

The prevailing pattern of development along Courtlands Lane is distinctly linear in form, with development along the existing lane showing individuality in the design of the houses. The applicant has submitted a revised indicative layout which seeks to demonstrate a more linear pattern of development that reflects the existing layout along Courtlands Lane whilst also providing suitable access to allow the future delivery of the full allocation of 12 houses on the site. The houses to the north of the site are laid out to respect the existing building line along the southern edge of Courtlands Lane, and the proposed plot widths are broadly comparable to the existing plot widths along Courtlands Lane. The illustrative arrangement indicates a cul-de-sac which would be extended to the south to provide access to the field to the south for the development of a further six houses, in line with Allocation Exmo\_23 of the Emerging Local Plan. The application is also accompanied by a landscape strategy which seeks to reintroduce native field hedges to the south of the site, to reflect historic field boundaries as seen on the first edition Ordnance Survey map dated 1888.

Pedestrian access is shown along the north of the site, to link with the proposed pedestrian access through allocated site Lymp\_07 immediately to the north of the site, which would reduce pedestrian movements along Courtlands Lane when the larger Lymp 07 site is developed.

The application is accompanied by a Landscape and Visual Appraisal which considers the impact of the proposal from identified viewpoints around the site. The development would break the skyline in views from the south and south east of the site, and would also lead to infilling of the undeveloped land between houses along Courtlands Lane and Lympstone Manor, which could lead to direct and indirect adverse impacts upon the landscape character and potential harm to the setting of Lympstone Manor, which is discussed in more detail later in the report. However,

visibility concerns also need to be seen in the context of the site abutting and falling between existing development to the east and west.

The development would likely lead to erosion of hedgebanks along Courtlands Way as vehicles reverse and manoeuvre to pass. As per EDDC's landscape architect's comments, there is an opportunity for access to be taken through the housing development site to the opposite side of Courtlands Lane (Lymp 07) where it could join the A376 at the new roundabout at the western end of the Dinan Way extension currently under construction. This would then allow the section of Courtlands Lane to the east to be closed to through traffic to the benefit of adjacent residents, cyclists and pedestrians.

The proposals as presented would introduce development into the designated Coastal Preservation Area that will be evident in views from within and around it and is likely to give rise to a number of impacts resulting in some landscape and visual harm, notwithstanding the proposed mitigation planting indicated by the landscape strategy. However the site lies between existing development to the east and west which would serve to reduce the impact of new development within the designated Coastal Preservation Area.

The proposed attenuation pond within the illustrative scheme is sited to the southeast of the six dwellings. The landscape architect's comments confirm this would be better sited to the southwest of the dwellings where it would be less prominent owing to the site topography and existing vegetation. The submitted red line site boundary would not permit the construction of the attenuation pond within the southwest corner however. This could only be carried out as part of any future development for the remaining proportion of the allocation of 12 dwellings on the site. The attenuation feature as presented within this application would result in a prominent man-made feature, albeit softened with landscaping, because of the site topography.

At reserved matters stage any designs coming forward would be expected to show individuality in the design of the houses to reflect the existing development along Courtlands Lane.

A number of conditions are proposed should the proposal be recommended for approval. These include the provision of a full set of hard and soft landscaping details, details of external lighting, site levels, details of surface water drainage, a soil resources plan, measures for protection of existing perimeter trees, and a Landscape and Ecology Management Plan to clarify ownership and responsibilities for management and maintenance.

Overall it is considered that the proposal would give rise to some landscape and visual harm contrary to Local Plan Strategy 7 and Strategy 44 which weighs negatively in the planning balance.

### Heritage

Grade II listed Lympstone Manor (referred to in the Statutory List Entry as Former Courtlands House) lies to the west of the site and is accessed by Courtlands Lane.

The garden wall between Courtlands Lane and Courtlands, which sits within 30 metres of the site, is also Grade II listed. The wall comprises stone to the lower section and brick to the upper portion and is approximately 8 feet high.

Between the listed building and the site there are a number buildings, some older and some more modern. The buildings, together with existing trees and vegetation, limit intervisibility between the site and the listed building.

The comments received from EDDC's conservation officer confirm that whilst further ribbon development along this area of Courtland Lane could be designed without affecting the setting of Lympstone Manor providing the standard is good, a cul de sac design would introduce a suburban character to the area. All matters are reserved apart from access and the current site plan is illustrative only. Any reserved matters application coming forward should seek to avoid harm through the use of appropriate site boundaries, ensuring the density of development respects the existing character and ensuring the individuality of the houses seen along Courtlands Lane is continued through to the application site. A high standard of design would be required to avoid adverse impacts in line with NPPF paragraphs 210, 212 and 215.

Concerns have also been raised by the Conservation Officer regarding the potential impacts to the listed wall as a result of the requirement to provide adequate visibility splays at the entrance to the site. The submitted Highways Technical Note illustrates that a visibility splay of 2.4 metres by 33 metres, in line with guidance contained within Manual for Streets as being suitable for the road speeds of 25 mph as recorded on site, can be achieved without any impact to the listed boundary wall. The proposed access into the field would require the loss of hedgerow to the site's western boundary. The illustrative scheme proposes additional tree planting in mitigation for the loss of the existing vegetation.

Lympstone Manor is referred to in a previous appeal, reference APP/U1105/A/11/2161479, on a site immediately north of the application site. The Inspector stated at Para 58 that 'Although accessed from Courtlands Lane to the north, this building appears to have been designed so that it gradually reveals itself along the entrance drive and in effect, 'turns its back' on this lane. The main and historic designed views to and from this building are to the south and west across the open fields and the Exe Estuary. There are no important or significant views of this building from Courtlands Lane'.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. It is not considered the proposal would have an impact on Chatterpark, a locally listed building approximately 300 metres to the north of the site, or upon A La Ronde, a Grade I listed building approximately 450 metres east of the site.

Given that above, it is considered that it would be possible for a scheme to come forward which would maximise the enhancements and avoid any harm to the setting of Lympstone Manor and the adjacent garden boundary wall, and the proposal would

therefore be in line with Local Plan Policies EN8 and EN9 and NPPF Paragraphs 210, 212 and 215.

### Residential / Neighbour Amenity

The illustrative layout submitted indicates the proposal would provide a minimum of 12 metres between the side elevations of the nearest proposed dwelling to Earlham House to the east of the site. The distance between the existing and proposed dwellings allows for a three-metre easement either side of the existing adopted sewer which runs parallel to the eastern site boundary.

Appearance is a reserved matter but there is no reason to believe that it would not be possible to design a scheme that would protect the amenity and privacy of existing occupiers whilst providing a good standard of residential amenity for future residents.

Environmental Health have recommended that given the proximity of the application site to existing dwellings and businesses, a Construction and Environment Management Plan (CEMP) is submitted prior to any works commencing on site in the interests of the amenity of nearby residents.

Given the above, subject to the proposed condition, the proposal would not lead to any adverse impacts to the amenity of adjoining residential properties and therefore would be in accordance with Local Plan Policy D1.

### Highways, access and parking

The application is supported by a Highways Technical Note. Courtlands Lane is mainly single vehicle width however the first 14 metres of Courtlands Lane at the eastern end of the A376 is at least 4.8 metres wide and sufficiently wide to accommodate two-way traffic. Traffic speeds were recorded at 25mph in both directions on Courtlands Lane, therefore at the point of access the visibility splays should be based upon coordinates of 2.4m x 33m to accord with the relevant design guidance set out in Manual for Streets, Measured to a point 1m off the nearside carriageway edge.

Local Plan Policy TC7 states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. County Highways have stated that it is not considered that the increase in traffic arising from development of an additional 6 houses would create an unacceptable trip generation impact upon the local highway network.

The site is sufficiently spacious to allow 2 parking spaces for each of the plots, as well as space to allow vehicles to turn and re-enter the carriageway in a forward facing gear. A condition should be imposed requiring details of secure cycle storage in accordance with the East Devon Local Plan.

Given the above, subject to the necessary condition the proposal would comply with Local Plan Policy TC7 and TC9.

### Affordable Housing

Concerns have been raised that the application, through the provision of only 6 dwellings on a site allocated for 12, is seeking to circumnavigate the Affordable Housing policy. Sites delivering 10 units or more, are required to provide 25% on site affordable housing. On-site affordable housing is required in Exmouth as it is the area of greatest housing need in the district.

The current application for six houses would not trigger the requirement for affordable housing, however should the next phase of the allocation come forward both sites would be taken into account and the requirement for affordable housing would apply to the whole of the allocation as per the requirements of Local Plan Strategy 34.

A Section 106 agreement would also be required to ensure that the remaining southerly portion of the site remains available for development in the future following the completion of this development to enable the full allocation to be utilised. This would require an unfettered access road to the south of the site, with no ransom strips.

### Ecology / biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA). The Site comprises of a 0.52ha moderate condition modified grassland field bound by a 79m species rich hedgerow to the north, 18m of single-species beech hedgerow to the northwest, and a 96m single species beech hedgerow with evergreen oak trees and gaps for gates to the south. Two medium-sized lime trees are situated in the western side of the field. A 0.07ha section of poor condition other neutral grassland field to the south of the southern hedgerow will also be impacted.

Surveys for curlew buntings, bats, great crested newts (GCN), and reptiles are included within the EclA. The ecological surveys identified that the site supports foraging and commuting bats and a small population of slow worms. The habitats also offer potential for badgers, nesting birds, dormice, hedgehogs, and common invertebrates. The EclA concludes that the habitats present are of relatively low ecological value and that any predicted adverse impacts can be mitigated, with measures proposed to deliver ecological enhancements. These measures are considered broadly proportionate to the anticipated level of impact, provided they are fully implemented.

The proposal includes the removal of 18 m of beech-dominated hedgerow, which is a Priority Habitat, and the visibility splay would also require management of the northern boundary species-rich hedgerow to a height of 0.6 m.

The bat survey confirms that the southern boundary hedgerow is used by light-averse horseshoe, barbastelle, long-eared, and myotis bats. The EclA recommends measures to avoid lighting impacts, both for external lighting and during construction.

Ecological enhancements are proposed in the form of one bird or bat box and one bee brick per dwelling, and hedgehog holes should be cut into the base of solid wooden fences. A habitat pile/reptile hibernaculum constructed from the brash removed during development will be installed within the retained other neutral grassland near to the attenuation pond.

A number of conditions are therefore proposed in connection with any approval, requiring the submission of a detailed external lighting design to ensure the southern boundary hedge remains as a dark corridor, i.e., at or below 0.5 lux (considering internal and external lighting), to avoid impacts to protected species. The submission of a landscape and ecological management plan (LEMP) is also required, to include a description and evaluation of features to be managed and the aims and objectives of management, as well as details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer. A further condition is required to ensure the proposed ecological mitigation and enhancement features are provided prior to occupation of the site.

With the appropriate conditions in place the proposal would comply with Local Plan EN5 and EN14.

### Biodiversity Net Gain

The application is exempt from the provisions of Biodiversity Net Gain owing to the application having been submitted to the Local Planning Authority prior to 12 February 2024.

### Appropriate Assessment

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

## Trees

The submitted indicative layout and landscape strategy plan shows the retention of the existing hedge along Courtlands Lane and the retention of the existing hedgerow and trees along the site's southern boundary. A small amount of hedge loss would be required to facilitate vehicular and pedestrian access to the site. EDDC's tree officer has raised no objections to the proposal as long as the development is based on sound arboricultural principles and an appropriate soft landscaping scheme. Any detailed scheme coming forward should allow for the retention of any existing site boundary trees.

There is no reason to believe that any detailed design coming forward could not comply with the requirements of British Standard 5837:2012 to deliver a harmonious and sustainable relationship between structures and trees.

A condition would be imposed upon any approval requiring details of measures for the protection of existing perimeter trees, and to ensure that any protection is in place prior to the commencement of works on site. Further conditions would also be imposed requiring the submission of soft landscaping details including the planting of new trees and shrubs.

Subject to the imposition of the above conditions, the proposal would comply with Local Plan Policy D3.

## Drainage

The application documents state that foul waste would be dealt with via mains sewer.

SWW's Development Evaluation Team have modelled the impact of flows from 12 houses on the downstream network (the proposed application is for six houses) and have confirmed there is enough treatment capacity for the flows from this site at the current sewage treatment works. SWW highlight that the Sewage Treatment Works is also being upgraded between 2025-2030.

Local Plan Policy EN22 'Surface Run-Off Implications of New Development' states that planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable. Surface water would be disposed of via a sustainable drainage system, either via attenuation or via infiltration. A proposed drainage basin would sit to the south of the proposed houses, with the attenuation option requiring an outfall to the small watercourse running along the southern boundary of the site. As noted by the landscape officer, the indicative location of the drainage basin is on relatively steep ground which would require construction of a retaining embankment to the lower side of the basin which would appear as an engineered feature. The SuDS basin would be better located in the southwest corner of the southern field where the ground is level and a naturalistic basin could be readily created that could incorporate permanent standing water.

Further details of the surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. would be required by condition should the scheme be recommended for approval.

A water conservation and efficiency strategy should also be submitted to the LPA prior to the commencement of any development on site to minimise impacts upon foul and surface water drainage and to ensure that appropriate remedial measures are included as an integral part of the development.

Subject to the imposition of the above conditions, the proposal is considered to accord with policies EN19 and EN22 of the local plan.

### Education Contributions

Devon County Council has identified that 6 additional family dwellings will generate approximately 1.5 primary pupils and 0.9 secondary pupils. Primary schools in Exmouth have sufficient capacity, so no primary contribution is required. The nearest secondary school does not have sufficient capacity, therefore a secondary education contribution of £21,186 is sought (based on the DfE rate of £23,540 per pupil) to mitigate the development's impact.

Infrastructure provision in EDDC is however provided for via CIL payments, so it is not possible to include this financial contribution as a S.106 obligation.

### Other matters

The site is within flood zone 1 therefore no concerns in respect of flooding. Exeter Airport have confirmed the application does not appear to conflict with safeguarding criteria, and as such the application complies with Local Plan Policy TC12.

### Conclusion

Under the current Local Plan, the application site is outside of the Built up Area Boundary, but is an allocated site in the emerging Local Plan, which now carries slightly greater weight in decision making owing to the Plan going through the second round of Regulation 19 Consultation.

A further material consideration is East Devon's housing land supply position which engages the presumption in favour of sustainable development.

The site is attractive with wide views across to the Exe Estuary. In terms of the coastal preservation area the proposal sits between existing development to the east and west therefore would not damage the open status of the area. Some adverse impacts are noted to the surrounding landscape character and in views from the south and east of the site where the development would break the ridge line. Again, this would be seen in the context of surrounding development. There is potential for

vehicular access to be brought through the proposed allocated site to the north (Lymp-07) to reduce impacts to residents along Courtlands Lane, although DCC Highways raise no objection to the use of the existing lane to access the development.

In terms of the impact upon Grade II listed Lympstone Manor, there are a number of existing buildings between the listed building and the application site, which together with existing trees and vegetation would limit intervisibility between the two sites. It is considered that it would be possible for a scheme to come forward which would avoid any harm to the setting of Lympstone Manor.

There are significant objections to the scheme from residents, Exmouth Town Council, Lympstone Parish Council and from local Ward Councillors. However as noted by the second regulation 19 Local Plan consultation, EDDC has had to make some difficult decisions to allocate sites to meet Government housing targets.

Applying the tilted balance, the conflict with policies contained within the development plan aimed at protecting the landscape character does not significantly and demonstrably outweigh the benefits of the scheme, which would provide six dwellings immediately adjacent to the BuAB of Exmouth.

Accordingly, the officer recommendation is one of approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. Approval of the details of the layout, scale, and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with all matters reserved).

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

(Reason - For the avoidance of doubt.)

4. No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of three sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
- c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
- d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
  - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
  - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
  - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
  - o schedules of volumes for each material.
  - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
  - o identification of person responsible for supervising soil management.
- e) A full set of soft landscape details including:
  - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
  - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
  - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
  - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage, in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3

(Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

5. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
  - o Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
  - o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
  - o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
  - o Landscape and ecological aims and objectives for the site.
  - o Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
  - o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
    - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
    - o New trees, woodland areas, hedges and amenity planting areas.
    - o Grass and wildflower areas.
    - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
    - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
  - o Arrangements for Inspection and monitoring of the site and maintenance practices.
  - o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

(Reason - The LEMP scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage, in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

6. The development hereby approved shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

7. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

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

(Reason - A pre-commencement condition is required to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

9. Prior to the commencement of the development hereby approved details of a water conservation and efficiency strategy shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall make provision for the use of water butts of a minimum capacity of 110 litres per bedroom and these shall be installed and brought into use prior to the first occupation of the dwellinghouse to which they relate and thereafter maintained and retained.

(Reason : A pre-commencement condition is required in order that details are considered at an early stage of the development in the interest of water conservation and to reduce potential surface water run-off from the site in line with policy EN22 (Surface Run-off Implications of New Development) of the adopted East Devon Local Plan 2013-2031); SuDS for Devon Guidance (2017)

and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

10. Prior to the commencement of the development hereby approved a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), shall have been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that the southern boundary hedge remains as a dark corridor, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

11. The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, bee bricks, permeable garden fencing, reptile hibernacula, and hedge planting have been installed/constructed, and compliance with any ecological avoidance measures, such as reptile dissuasion, in accordance with the submitted LEMP and EclA report (GE Consulting, October 2023).

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

12. No dwelling approved as part of the permitted development shall be occupied until details of secure cycle storage facilities to serve it have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling(s) to which the storage facilities relate.

(Reason : To promote sustainable travel in accordance with Strategy 5B (Sustainable Transport) and policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

## NOTE FOR APPLICANT

### Informative:

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

### **Biodiversity Net Gain Informative:**

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemption 1 from the list below is considered to apply:

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

*Irreplaceable habitat*

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

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

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

Plans relating to this application:

8562-LP	Location Plan	20.12.23
8562-02 F	Proposed Site Plan	20.12.23

List of Background Papers

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

**Technical Consultations**

EDDC Trees

In principle I have no objection with the outline proposal as long as the development is based on sound arboricultural principles and an appropriate soft landscaping scheme. It is noted that there are a number of young established trees particularly along the western and southern boundary which should be retained (rather than relying on replacement planting).

Conservation

CONSULTATION REPLY TO WEST TEAM  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land South Of Courtlands Lane, Exmouth

GRADE: II APPLICATION NO: 23/2740/OUT

CONSERVATION AREA: no

PROPOSAL: Outline permission is sought for the construction of up to six dwellings with all matters reserved other than access

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Lympstone Manor grade II lies to the west of the site and is accessed by Courtlands Lane. The site is bounded by hedgerow which would be lost and to the east are modern detached dwellings. It is not considered the proposal will have an impact on Chatterpark

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

All matters are reserved, and the number of dwellings and position of access can be agreed on reserved matters.

There are concerns over the scheme. The existing development along Courtland Lane is ribbon development of modern houses with Lympstone manor (Courtlands) to the west side. Further ribbon development along this area of Courtland Lane being the east side of the access could be designed without affecting the setting of Lympstone manor providing the standard is good; however a cul de sac design would introduce a suburban character to the lane that currently isn't there; without the cul de sac it isn't clear that 6 houses can be reasonably achieved on this site. The 1933 OS map shows how ribbon development has been one house deep only. There is an established hedgerow on the northern boundary of the site which could be lost to a visibility splay and passing place; its removal would alter the character of the lane.

The proposed site plan is vague at the access. The existing field access the historic rear access to Lympstone manor (OS 1888 and 1903) with the lodge on the west side of the access. With all matters reserved even the access, and proposed visibility splays of 37m the visibility splay it may adversely affect the historic boundary wall. It is recommended that a detailed design is submitted for this.

The heritage statement states the impact on the listed walls steps and kitchen garden would be negligible, however the impact should not be adverse however low and the number of dwellings and standard of design should reflect this (NPPF 197, 199, 202).

There are concerns over the development and further information is recommended to determine its impact around the entrance.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. Here taking account of the above this has been taken into consideration.

#### POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72

NPPF section 16  
East Devon District Council, EN9

## PROVISIONAL RECOMMENDATION - PROPOSAL

Holding response

DATE: 26/2/24  
INITIALS: M.Pearce  
Conservation Officer

### Historic England

Thank you for your letter of 4 January 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

Harish Sharma  
Assistant Inspector of Historic Buildings and Areas

### Housing Strategy/Enabling Officer - Liam Reading

This application for 6 homes falls below the Affordable Housing threshold for Exmouth so we do not seek an off-site financial contribution.

In the new emerging Local Plan, this site is allocated for 12 dwellings. Therefore, this application appears to be under development of the site in order to circumnavigate the Affordable Housing policy. Sites delivering 10 units or more, are required to provide 25% on site affordable housing.

On-site affordable housing is required in Exmouth as it is our area of greatest housing need in the district.

### Exeter & Devon Airport - Airfield Operations+Safeguarding

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

#### EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA), including surveys for cirl buntings, bats, great crested newts (GCN), and reptiles. Ecological surveys determined the site supports foraging and commuting bats and a low population of slow worms. The habitats also provide potential habitat for badgers, nesting birds, dormice, hedgehogs, and common invertebrates. The EclA considered that the habitats on the site are of relatively low ecological value and that predicted adverse impacts could be mitigated for, and measures recommended to provide ecological enhancement. The proposed measures are generally proportionate for the predicted scale of impact, assuming fully implemented.

No biodiversity metric calculation has been submitted with the proposals to quantify whether the development would result in a loss in habitats and hedges. The habitat survey is stated to have followed the metric condition assessment criteria. The proposal includes the removal of 18 m of beech dominated hedge, a Priority Habitat, and the proposed visibility splay would also result in the management of the northern boundary species-rich hedgerow to 0.6 m.

The bat survey demonstrates the southern boundary hedge is used by light adverse horseshoe, barbastelle, long-eared, and myotis bats. The EclA makes recommends for avoiding lighting impacts in regard to external lighting, and lighting during construction.

If minded for approval, the following conditions are recommended:

o No works shall commence on site until a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that the southern boundary hedge remains as a dark corridor, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-terms management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

o A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the submitted Ecological Impact Assessment (GE Consulting, October 2023) and informed by a detailed landscaping plan.

The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

o The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, bee bricks, permeable garden fencing, reptile hibernacula, and hedge planting have been installed/constructed, and compliance with any ecological avoidance measures, such as reptile dissuasion, in accordance with the submitted LEMP and EclA report (GE Consulting, October 2023).

Reason:

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

William Dommett MSc MCIEEM  
District Ecologist

EDDC Landscape Architect - 21/02/2024

## **1 INTRODUCTION**

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

The report provides a review of landscape related information submitted with the enquiry 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 SITE DESCRIPTION, RELEVANT POLICY AND LANDSCAPE CHARACTER**

### **2.1 Site description**

The site comprises a small paddock bounded by hedgerow/ hedgebanks and a small intake of a larger field parcel immediately to the south, amounting to 0.5ha in total. Access is from Courtlands Lane to the northern boundary. Courtlands Lane is a very narrow, single-track lane with no footways and enclosed by hedgebanks/ garden boundaries to either side.

The site has a gently sloping southwesterly aspect, rising to an east-west ridgeline just beyond the northern boundary. To the south the land drops to a small watercourse in a shallow valley.

The surrounding landscape is open, gently rolling mixed farmland to the north, south and southeast, within a strong framework of hedgebanks and frequent trees but affording wide views to and over the Exe estuary from higher ground. Much of the agricultural land to the south of the site belongs to the National Trust owned Lower Halsdon Farm and is particularly attractive.

Directly to the east of the site is a line of detached dwellings which front onto Courtlands Lane and houses along the A376 Exeter road a further field away mark the western edge of Exmouth. To the west is a small cluster of lower set recent detached properties beyond which is Lympstone Manor. Despite the proximity of nearby residential development the site retains a strong rural character. There is no public access within the site but a permissive and very popular pedestrian and cycle route runs through the valley bottom connecting between Exeter Road and the Exe Valley Trail and associated rights of way network along the estuary.

There are fine views from the site over the Exe Estuary to the Haldon ridge. The urban envelope of Exmouth is visible to the south and east. The upper parts of Lympstone Manor and a few residential properties are visible to the west. Views to the north are restricted by vegetation cover to the site boundary.

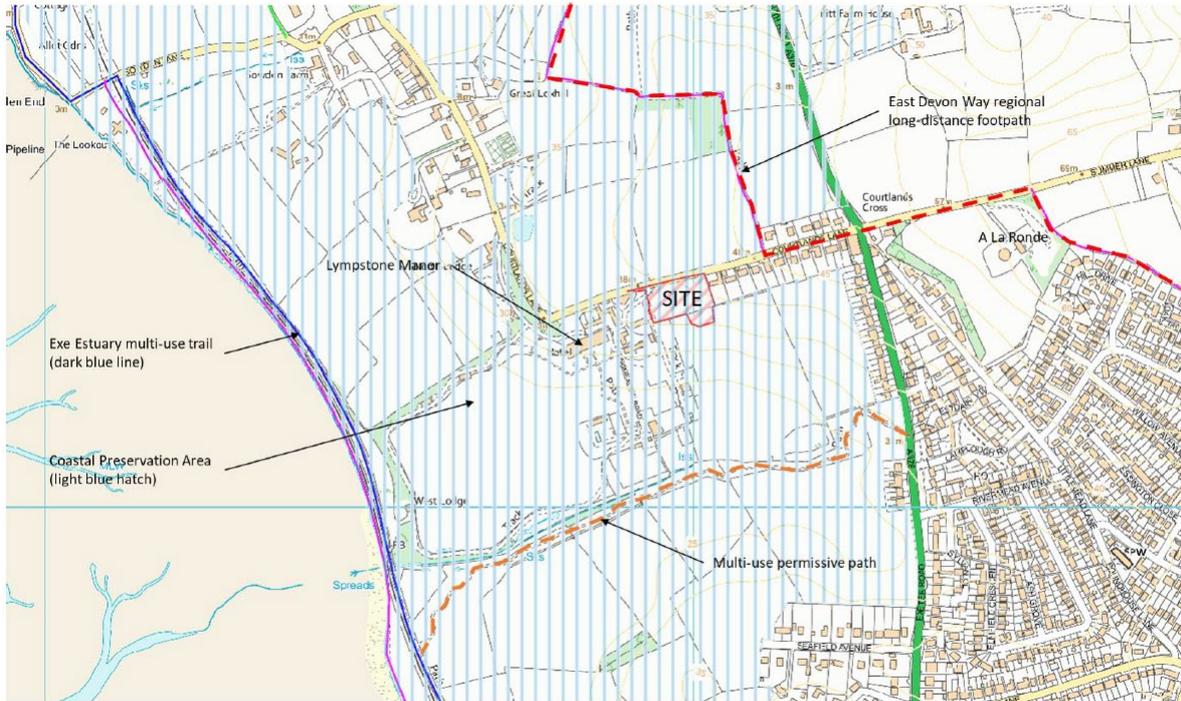


Figure 1 - Context map

There are glimpse and heavily filtered views through hedgerow over the site to the Exe estuary from Courtlands Lane and Exeter Road. Along most of the Courtlands Lane frontage boundary hedging is predominantly elm which has been allowed to grow up over the last few years greatly restricting views over the estuary which were previously extensive as seen in the 2008 Google Streetview image, fig. 3 below. Elm hedging, if allowed to grow unchecked, is susceptible to Dutch Elm Disease and the hedge is likely to need cutting back in the short term either as a preventative or recovery treatment revealing an expansive view of the estuary which would be lost if the site was developed.

The site is clearly visible from a number of locations along the permissive path and from the western end of Sea View Terrace to the south. Residents on the west side of Exeter Road and north side of Seaview Terrace have views over the site as well as residents of the adjacent properties on Courtlands Lane. The site is visible over a short length of the A376 to the southeast. The site is also visible in long distance views from locations along the estuary edge such as Shelley Beach, Exmouth from where the proposed development would be seen breaking the skyline albeit at a distance of 2.5km.

## 2.2 Landscape related designations

The site lies within the Coastal Protection Area where, in accordance with the Local Plan Strategy 44, 'development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.' The site is situated beyond the BUAB in open countryside where Local Plan Strategy 7 applies.

Lymestone Manor is grade II listed and associated parkland lies 100m to the west. The National Trust owned grade I listed A La Ronde lies 350m to the east.

## 2.3 Published Landscape Character Assessment

The site falls within the Exe Estuary Farmlands Landscape Character Area (LCA) as defined in the Devon Landscape Character Assessment. The key characteristics given for this LCA of relevance to the site are:

- Extensive open, low-lying estuary opening onto south coast flanked by undulating farmland.
- Deep red, fertile underlying soils that support intensive mixed farming and are visible within ploughed fields and as red sandstone cliffs at the coast.
- Shallow valleys with small rivers and streams draining into the estuary, a landscape shaped by natural processes which changes with the tides.
- Mixed woodland and notable areas of mature parkland concentrated within designed landscapes.
- Few farm woods, but tree cover along streams or within occasional old orchards.
- Patchwork of medium to large-scale fields delineated by hedgerows (often gappy).
- Settlement pattern of nucleated villages, hamlets, farms and houses with cob, thatch, stone, render and slate and some brick; settlement denser on the eastern than the western bank.
- Network of sunken, winding lanes with often dense, high hedgebanks connecting historic settlements and contrasting with modern infrastructure of M5 and railway.
- Enclosed and sheltered landscape with expansive views across open water and intertidal mudflats from estuary edge and adjacent slopes.
- Views to major urban areas including Exeter and Exmouth which lie adjacent.
- Recreational influences seen in small boats, boatyards, moorings, quays and slipways and the Exeter Canal along the estuary shore as well as in nature reserves and walking routes and notable tourism development at Dawlish Warren.
- Variable sense of tranquillity: tranquil in inland valleys and parts of the estuary where there is a serene quality, but disturbed close to settlements, railway and main roads.

The overall strategy for this LCA is stated as:

To protect extensive open views across the landscape to the estuary, coast and high ground of the Haldon Ridge and Woodbury Common; and to protect and enhance the area's valued maritime character. Historic settlement pattern and vernacular character are reinforced in new development; and the pattern of fields, woodlands, hedgerows and narrow lanes is managed and enhanced.

Hedgerows, woodlands, historic parkland and other historic features area all sensitively managed. The natural and cultural heritage of the estuary is conveyed through sensitive interpretation, and local communities are involved in planning for future landscape change as a result of sea level rise and change in coastal erosion. Key guidance given on future planning relevant to the site includes:

- Plan for appropriate, distinctive design of new development – particularly new residential development on the edges of villages or conurbations – and provide green infrastructure links to recreational routes.
- Plan to enhance and restore rural character and tranquillity through sensitive siting of any new development avoiding prominent ridges, valley sides and shoreline

locations, with enhancement of hedgerows, woodlands and roadside planting to major road corridors.

Beyond the BUAB the surrounding landscape generally conforms with the LCA descriptions and is of good quality and high scenic value with few modern detractors.

### **3 REVIEW OF SUBMITTED DETAILS**

#### Submitted details

The submitted LVA comprises a baseline landscape and visual appraisal with some commentary on likely landscape and visual effects and recommendations for mitigation without attempting to assess sensitivity, magnitude or level of effects. Selected viewpoints are appropriate and generally representative. However, photographs are all taken in summer with trees and hedgerow in full leaf. In most instances visibility of the proposed development would be noticeably greater in winter.

In respect of viewpoint 2 (East Devon Way), while it is accepted that the development would currently be screened by intervening boundary hedgerow to either side of Courtlands Lane, as noted above these hedgerows are predominantly elm which has been allowed to grow up in recent years. It is likely that they will need cutting back in the short term which would result in the development being visible over a short section of the path approaching Courtlands Lane from the north, as well as from Courtlands Lane itself where it passes the site.

Along the permissive multi-use path to the south of the site the LVA considers only a single viewpoint from a field gateway and states it is 'the only opportunity to take in the site from the path.' This is very much not the case. The site is visible in open and glimpse views over a 450m length of the path particularly towards the top but also lower down to the west of viewpoint 5. In views from the path the site is seen as an undeveloped section of ridgeline in which proposed development would appear as a skyline feature (refer photos, figs 4 and 5 in Appendix below).

#### Indicative site plan

The site plan indicates a cul-de-sac development of 6 large, detached properties served from the existing access off Courtlands Lane. The cul-de-sac layout does not reflect the adjacent linear settlement pattern to the east.

The site plan does not reflect the principles set out in the accompanying landscape strategy which provides for a 5m landscape buffer with trees to the inside of the northern boundary hedge and the extension of the eastern boundary hedgerow down to the field bottom which would recreate an historic hedge line.

The proposed layout places houses too close to the existing boundary hedge to Courtlands Road where they would be most prominent and likely to adversely impact the hedge.

A SuDS retention basin is included within the adjacent field to the south of the site. The location is on a relatively steep ground which would require construction of a

retaining embankment to the lower side of the basin which would appear as an engineered feature. The SuDS basin would be better located in the southwest corner of the southern field where the ground is level and a naturalistic basin could be readily created that could incorporate permanent standing water.

## Landscape Strategy

The creation of a new hedgerow to divide the field to the south as identified in the landscape strategy would recreate an historic hedgerow that would provide some landscape and biodiversity benefit but this is outside of the red line application boundary.

## **4 CONCLUSIONS & RECOMMENDATIONS**

### **4.1 Acceptability of proposals**

The site and host landscape is sensitive to development due its topography, undeveloped character, relationship with the Exe Estuary and proximity to Lympstone Manor.

The development of the site is likely to give rise to a number of direct and indirect adverse effects on the site and surrounding landscape character including the loss of green field to built development which, due to the ridgeline setting, would break the skyline in views from the south and southeast. While development would be seen partly in the context of existing development to the east along Courtlands Lane it would also have the effect of filling in the undeveloped gap between Lympstone Manor and Exmouth which could adversely impact its setting in which it is perceived as a manor house in its country estate.

There appears to be no intervisibility between the site and A La Ronde and development would be unlikely to affect its setting.

Development would result in the loss of glimpse and filtered views from Courtlands Lane across the site to the Exe Estuary.

The proposed development would be visible from a number of locations along the permissive path through the valley to the south and would impact on its rural character and sense of tranquillity.

Other near-mid distance visual receptors include residents of Courtlands Lane, road users and residents on the west side of Exeter road (A376) to the east of the site and residents of Seaview Terrace to the south who would have clear views of the development. Effects on more distant receptors are likely to be slight to negligible. The reinstatement of former hedgerows as indicated in the landscape strategy would in the medium term help to mitigate visual impact of the development and have some positive impact in the wider landscape.

The proposals are likely to have an impact on safety of walkers and cyclists using Courtlands Lane due to the increase in vehicular use that it would generate. It is also

likely to lead to erosion of hedgebanks to either side as vehicles reverse and manoeuvre to pass.

The proposals as presented would introduce development into the designated Coastal Preservation Area that will be evident in views from within and around it and is likely to give rise to a number of impacts as noted above resulting in some landscape and visual harm notwithstanding proposed mitigation planting identified in the accompanying landscape strategy.

## 4.2 Landscape Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

- c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of three sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

- d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

- e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- *a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
- *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*
- *schedules of volumes for each material.*
- *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- *identification of person responsible for supervising soil management.*

- f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.

- o New trees, woodland areas, hedges and amenity planting areas.
- o Grass and wildflower areas.
- o Biodiversity features - hibernaculae, bat/ bird boxes etc.
- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

5) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

EDDC Landscape Architect - 20/01/2026

## **1 INTRODUCTION**

This report is an addendum to the previous landscape response for the above application following submission of amended site layout and drainage information. The report provides a review of landscape related information submitted with the enquiry in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous response.

## **2 REVIEW OF AMENDED INFORMATION**

### **2.1 Clarification of Application Extent**

Although there is an allocation for 12 dwellings in the draft local plan covering the application site and the northern end of the field immediately to the south (Exmo 23), the application is clearly stated to be the construction of 6 dwellings. Although details have recently been submitted for a second phase for a further 6 dwellings it is understood this is for information only and approval is sought for the original 6 dwellings.

The original flood risk assessment submitted with the application (ref. - E06202-CLK-XX-XX-RP-FH-0001 ) shows an attenuation basin just outside the field in which the original 6 dwellings were proposed. In the amended drainage strategy (ref. 0500 rev A) this is located to the south of the phase 2 development and therefore outside of the current red line area. Clarification is required as to whether this is the intended revised location f2.2 or phase 1 also in which case the application red line requires amendment.

### **2.2 Drainage**

The proposed location of the attenuation basin in both the original phase 1 and the phase 2 areas sits awkwardly with existing site levels and is relatively prominent. The eastern end of the basin also conflicts with the proposed new hedge line indicated on the Landscape Strategy Plan. In any case it would be better located to the southwestern

corner of the field where the gradients are much gentler and the basin would be better screened by existing vegetation.

### 2.3 Layout

The phase 1 layout is an improvement on the original layout setting the dwellings back from Courtlands Lane in line with existing housing to the east. However, plots 4 and 5 need to be set 1.5 – 2m further south to provide enough turning space for vehicles in/ out of their driveways.

### 2.4 Access

I have concerns about the effects of increased traffic arising from the development on Courtland Lane, which is narrow single track, both in respect of damage to hedgebanks from vehicle manoeuvring and conflicts with pedestrians and cyclists along it. This would be further exacerbated should phase 2 be constructed in the future. There is however opportunity for access to be taken through the housing development site to the opposite side of Courtlands Lane (Lymp 07) where it could join the A376 at the new roundabout at the western end of the Dinan Way extension currently under construction. In addition to traffic from the application this could also become the route to Lymptone Manor and properties to the north. This would then allow the section of Courtlands Lane to the east to be closed to through traffic to the benefit of adjacent residents, cyclists and pedestrians.

### Devon County Council Education Dept

Regarding the above planning application, Devon County Council has identified that the proposed increase of 6 family type dwellings will generate an additional 1.50 primary pupils and 0.90 secondary pupils which would have a direct impact on primary and secondary schools within Exmouth. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough primary capacity within Exmouth for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be £21,186 (based on the DfE secondary extension rate of £23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

### South West Water

Our Development Evaluation Team have modelled the impact of flows from 12 houses on the downstream network. This does not show any risk of external flooding occurring so from a network point of view, there is no concern about this site.

Essentially, there is enough treatment capacity for the flows from this site at the current sewage treatment works. The STW is also being upgraded this AMP 2025-2030.

### County Highway Authority

I have visited the site and reviewed the planning documents.

The site has undertaken two forms of traffic surveys to ascertain trip generation along Courtlands Lane, in late 2022, which we accept as being outside of the Covid anomaly window.

As recorded by the ATC, there were a total of 44 two-way movements (both directions) past the site during the AM peak hour and 41 two-way during the PM peak hour.

Whereas the Classified Link Count, recorded the AM peak hour on Courtlands Lane, 08:00-09:00 during which there were 20 vehicles travelling eastbound and 31 travelling westbound - a total of 51 two-way movements.

Therefore I do not believe the addition of 6 dwellings will create an unacceptable trip generation impact upon the local highway network.

The proposed access plan shows that a visibility splay in accordance with Manual for Streets (MFS) 1 and 2, for a speed of around 30mph can be ascertained. I believe this speed would be appropriate to the typical speeds currently associated with this section of Courtlands Lane.

This would include a visibility envelope of 2.4m by 37m and 33m accordingly with a verge height of less than 0.6m high.

As this application is outline with all matters reserved except for access I will reserve comments of the internal layout for any future reserved matters application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

### Environmental Health

Due to the number of residential properties in proximity to the site I would recommend the following condition:

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

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

### **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.