

**Agenda for Planning Committee  
Tuesday, 24th March, 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 March 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 March 2026 up until 12 noon on Friday, 20 March 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** (Page 4)

The speakers' list for the applications will be published on Friday, 20 March 2026.

2 **Minutes of the previous meeting** (Pages 5 - 9)

Minutes of the Planning Committee meeting held on 24 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 10 - 23)

Update from the Development Manager

### **Applications for Determination**

8 **23/2077/MOUT (Major) OTTERY ST MARY** (Pages 24 - 56)

Land south of Hansford Way, Ottery St Mary.

9 **25/2593/PIP (Other) CLYST VALLEY** (Pages 57 - 73)

Land adjacent to A376 Exmouth Road, Ebford Lane, Ebford.

10 **23/2663/FUL (Minor) YARTY** (Pages 74 - 98)

Lily Cottage, Goldsmith Lane, All Saints, Axminster, EX13 7LU

11 **25/1601/OUT (Minor) WOODBURY & LYMPSTONE (PUBLIC SPEAKING DOES NOT APPLY TO THIS APPLICATION)** (Pages 99 - 136)

Car park land south of Underhill Close, Lymptone.

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**

[Blank page]

**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 24 February 2026**

**Attendance list at end of document**

The meeting started at 10.01 am and ended at 5.07 pm

**78 Minutes of the previous meeting**

The minutes of the previous meeting held on 9 February 2026 were agreed as a true and accurate record.

**79 Declarations of interest**

Minute 84. 25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106 (Other)  
DUNKESWELL & OTTERHEAD.

Councillor Colin Brown, Affects Non-registerable Interest, is a EDDC ward member.

Minute 84. 25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106 (Other)  
DUNKESWELL & OTTERHEAD.

Councillor Yehudi Levine, Affects Non-registerable Interest, is a EDDC ward member.

Minute 84 25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106

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

Minute 84 25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106

Councillor Maddy Chapman declared that she had pre-determined this application so took no part in the discussion or vote.

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON

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

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON.

Councillor Aurora Bailey, Affects Non-registerable Interest, is an Exmouth Councillor.

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON.

Councillor Brian Bailey, Affects Non-registerable Interest, is an Exmouth Councillor.

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON.

Councillor Olly Davey, Affects Non-registerable Interest, is an Exmouth Councillor.

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON.

Councillor Steve Gazzard, Affects Non-registerable Interest, is an Exmouth Councillor.

Minute 88. 23/2740/OUT (Minor) EXMOUTH HALSDON.

Councillor Tim Dumper, Affects Non-registerable Interest, is a EDDC ward member and the Vice Chair for Planning for Exmouth Town Council.

80 **Matters of urgency**

There were no matters of urgency.

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

There were none.

82 **Planning appeal statistics**

The Committee noted the appeal statistics report.

83 **25/0382/VAR, 25/0383/VAR, 25/0384/VAR & 25/0944/V106 (Other)  
DUNKESWELL & OTTERHEAD**

**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

**RESOLVED:**

The four applications at Dunkeswell were refused contrary to the officer recommendation for the following 2 reasons:

1. The increased frequency of noise arising from the proposal to extend the days and hours of use of the karting track will have a significant adverse impact on the residential amenity of nearby residents, in particular within the village of Shelwell. As such the proposal is contrary to Policies D1 and EN14 of the East Devon Local Plan, 2013 to 2031
2. The increased frequency of noise arising from the proposal to extend the days and hours of use of the karting track will have a significant adverse impact on the tranquillity of the Blackdown Hills National Landscape and will fail to further the purpose of the National Landscape contrary to Strategy 46 of the East Devon Local Plan, 2013 to 2031

Delegated authority was given to officers to add relevant neighbourhood plan and NPPF references to the reasons for refusal.

84 **25/0368/MFUL (Major) WEST HILL & AYLESBEARE**

**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

**RESOLVED:**

Refused as per officer recommendation.

85 **25/2125/VAR (Other) BUDLEIGH & RALEIGH**

**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.

**RESOLVED:**

Approval as per officer recommendation.

86 **25/2209/FUL (Minor) WEST HILL & AYLESBEARE**

**Applicant**

Mr Andrew and Paul Lightfoot

**Location**

Land Adjoining White Farm Lane West Hill Ottery St Mary

**Proposal**

Construction of 1no. dwelling

**RESOLVED:**

Refused contrary to officer recommendation for the following reason:

The siting of the dwelling in close proximity to trees would lead to pressure to fell and/or prune the trees which would result in adverse impacts on the landscape character and

amenity of the area and biodiversity, contrary to Strategies 46 and 47 and Policies D1 and D3 of the East Devon Local Plan, 2013 to 2031.

Delegated authority was given to officers to add relevant neighbourhood plan and NPPF references to the reasons for refusal.

87 **23/2740/OUT (Minor) EXMOUTH HALSDON**

**Applicant**

Mr B Penny

**Location**

Land South of Courtlands Lane Exmouth

**Proposal**

Outline permission for the construction of up to six dwellings sought with all matters reserved other than access

**RESOLVED:**

Refused contrary to officer recommendation for the following reason:

The proposed development would adversely impact the undeveloped and open status of this designated Coastal Preservation Area and would not help to conserve and enhance the quality and local distinctiveness of the natural and historic landscape character of the area. The harm arising significantly and demonstrably outweighs the benefits of developing 6 open market dwellings on the site. As such the development is contrary to Strategies 44 and 46 of the East Devon Local Plan, 2013 to 2031.

Delegated authority was given to officers to add relevant neighbourhood plan and NPPF references to the reasons for refusal.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
M Chapman  
B Collins  
O Davey (Chair)  
S Gazzard  
J Heath  
S Hughes  
S Hunt  
Y Levine  
S Smith  
E Wragg (Vice-Chair)

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

A Bailey  
R Collins  
T Dumper

G Jung

**Officers in attendance:**

Nigel Barrett, Senior Planning Officer

Amanda Coombes, Democratic Services Officer

Ed Freeman, Assistant Director Planning Strategy and Development Services

Jill Himsworth, Planning Officer

Damian Hunter, Planning Solicitor

Wendy Ormsby, Development Manager

Ian Winter, Environmental Health Officer

**Councillor apologies:**

M Howe

Chair .....

Date: .....

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

**Ref:** 25/1302/FUL                      **Date Received** 09.02.2026  
**Appellant:** Sarah Birnie  
**Appeal Site:** Northay Lodge Trinity Hill Road Axminster EX13 5SS  
**Proposal:** Change of use of existing dwelling house (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation.  
**Planning Inspectorate Ref:** 6004880

---

**Ref:** 25/1794/VAR                      **Date Received** 09.02.2026  
**Appellant:** Leonard Taylor  
**Appeal Site:** 7 Woodlands Drive Exmouth Devon EX8 4QP  
**Proposal:** Variation of condition 2 (approved plans) of planning permission Ref: 22/1375/FUL (Single storey side extension, removal of chimney stack, conversion of roof space to habitable use to include a front and rear dormer, 2 roof lights, extension to vehicular hardstanding to front, installation of vehicular hardstanding to side, installation of boundary wall to rear, porch to front with alteration to fenestration) to allow for ridge height and pitch alterations and changes to fenestration.  
**Planning Inspectorate Ref:** 6004829

---

**Ref:** 25/2025/PIP                      **Date Received** 11.02.2026  
**Appellant:** Mrs E Hunt  
**Appeal Site:** Land Adjoining Hawthorn House Back Lane Newton Poppleford  
**Proposal:** Permission in Principle application for up to 9no. dwellings  
**Planning Inspectorate Ref:** 6004981

---

**Ref:** 24/1761/MFUL                      **Date Received** 20.02.2026  
**Appellant:** Mr N Taylor  
**Appeal Site:** Land At Higher Metcombe Higher Mecombe EX11 1SL  
**Proposal:** Proposed erection of 3no detached dwellings, stable block and paddock with associated hard and soft landscaping/access  
**Planning Inspectorate Ref:** 6005405

---

**Ref:** 25/0800/FUL **Date Received** 22.02.2026  
**Appellant:** Mr Thomas Rogers  
**Appeal Site:** 6 Jesu Street Ottery St Mary EX11 1EU  
**Proposal:** Redevelopment from commercial to residential of shop front, 1 two-bed cottage, 1 two-bedroom flat and a three-bed duplex apartment.  
**Planning Inspectorate Ref:** 6005430

---

**Ref:** 25/2309/FUL **Date Received** 24.02.2026  
**Appellant:** David Mulvihill  
**Appeal Site:** Meadow Cottage Frogmore Road East Budleigh Devon EX9 7BB  
**Proposal:** Demolish existing dwelling. Construction of 1no. new dwelling with detached garage and other associated works  
**Planning Inspectorate Ref:** 6005489

---

**Ref:** 25/2532/FUL **Date Received** 27.02.2026  
**Appellant:** Mr Stoykov  
**Appeal Site:** Pitney Water Storage Tank Broadhembury  
**Proposal:** Conversion and extension of the existing building to provide a two-bedroom dwelling  
**Planning Inspectorate Ref:** 6005675

---

**Ref:** 23/2627/MFUL **Date Received** 02.03.2026  
**Appellant:** Goosemoor Ltd  
**Appeal Site:** Land north east Of Parkfield Cottages Pink House Corner Lympstone  
**Proposal:** Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping  
**Planning Inspectorate Ref:**

---

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

**Ref:** 23/F0261                      **Appeal Ref:** 25/00010/ENFAPP  
**Appellant:** Miss K Burton  
**Appeal Site:** Land south east of Penscroft Wilmington  
**Proposal:** Appeal against an enforcement notice served in respect of unauthorised operational development consisting of the removal of a devon bank to create a vehicular entrance/exit onto and off the A35, together with a hardstanding area and the erection of a fence in excess of 2 metres in height facing on to the highway.  
**Decision:** **Appeal Dismissed**    **Date:** 11.02.2026  
**Procedure:** Written representations  
**Remarks:** Enforcement notice upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/25/3361196  
**Inspectorate Ref:**

---

**Ref:** 24/2091/FUL                      **Appeal Ref:** 25/00051/REF  
**Appellant:** Edward Fane Trefusis  
**Appeal Site:** 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.  
**Decision:** **Appeal Dismissed**    **Date:** 12.02.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, Ecology reasons upheld (EDLP Policy EN5). Application for a full award of costs against the Council refused.  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/25/3369195  
**Inspectorate Ref:**

---

**Ref:** 25/1295/FUL                      **Appeal Ref:** 25/00065/REF  
**Appellant:** Ms C Mostyn  
**Appeal Site:** Land adjacent Fieldside Rhode Lane Uplyme  
**Proposal:** Construction of new dwelling with associated works  
**Decision:** **Appeal Dismissed**    **Date:** 17.02.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and landscape reasons upheld (EDLP Strategies 7,46, NP Policy UHG2).  
**BVPI 204:** **Yes**  
**Planning** 6000652  
**Inspectorate Ref:**

---

**Ref:** 25/0345/FUL **Appeal Ref:** 25/00067/REF  
**Appellant:** Juliet Hendry  
**Appeal Site:** Greenwell Lodge Woodhouse Hill Uplyme DT73SL  
**Proposal:** Change of use (retrospective) of an existing self-contained garden cabin to include holiday accommodation use  
**Decision:** **Appeal Dismissed** **Date:** 17.02.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policies D8, E16, Strategies 5B, 33, Emerging LP Policies SE10, TR01, NP Policy UHG5).  
**BVPI 204:** **Yes**  
**Planning** 6000688  
**Inspectorate Ref:**

---

**Ref:** 23/1277/FUL **Appeal Ref:** 25/00075/REF  
**Appellant:** Miss Julie Rhodes  
**Appeal Site:** Bystock Court Old Bystock Drive Exmouth Devon EX8 5EQ  
**Proposal:** Proposed 4 no. cottages  
**Decision:** **Appeal Dismissed** **Date:** 18.02.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation and amenity reasons upheld (EDLP Policies D1, EN9, NP Policy EB2).  
**BVPI 204:** **Yes**  
**Planning** 6001016  
**Inspectorate Ref:**

---

**Ref:** 21/F0393 **Appeal Ref:** 23/00016/ENFAPP  
**Appellant:** Graham Willet & Cian Dalglish  
**Appeal Site:** Land adj. Harcombe Farm, Harcombe, Uplyme  
**Proposal:** Appeal against enforcement notice in respect of the material change of use of land from agricultural use to a mixed use of agricultural and storage by virtue of the storage of waste materials, building materials, non-agricultural machinery and materials, trailers and non-agricultural vehicles.  
**Decision:** **Appeal Dismissed** **Date:** 19.02.2026  
**Procedure:** Written representations  
**Remarks:** Enforcement notice varied and upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/23/3321021  
**Inspectorate Ref:**

---

**Ref:** 24/F0125 **Appeal Ref:** 24/00067/ENFAPP  
**Appellant:** Mr Graham Willett-Dalglish  
**Appeal Site:** Land adj. Harcombe Farm, Harcombe, Uplyme  
**Proposal:** Appeal against enforcement notice in respect of the material change of use of the land for the siting and residential occupation of a touring caravan.  
**Decision:** **Appeal Dismissed** **Date:** 19.02.2026  
**Procedure:** Written representations  
**Remarks:** Enforcement notice varied and upheld.  
Partial award of costs in favour of the Council.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/24/3354198  
**Inspectorate Ref:**

---



**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

---

**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

---

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

---

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

---

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

---

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

---

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

---

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

---

**App.No:** 25/0057/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

---

**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

---

**App.No:** 25/1187/CPL  
**Appeal Ref:** APP/U1105/X/25/3375504  
**Appellant:** David Hawes  
**Address:** 6 Bakers Cottages Longmeadow Road Lypstone 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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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

---

**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:**

---

**App.No:** 25/1588/FUL  
**Appeal Ref:** 6003751  
**Appellant:** Mr Graeme Fraser  
**Address:** Coombe Dairy Annexe Exe View Road Lypmstone 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

---

**App.No:** 25/1477/FUL  
**Appeal Ref:** 6004123  
**Appellant:** Mr Stephen Luderman  
**Address:** Land formerly Devonshire Inn Cottage Uptottery 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

---

**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

---

**App.No:** 25/0731/MOUT  
**Appeal Ref:** APP/U1105/W/26/3377572  
**Appellant:** Mr P Aubery (Tavistock Green Ltd)  
**Address:** Land at Abbey Road Dunkeswell  
**Proposal;** Outline application for residential development for up to 65 dwellings (all matters reserved except for access)  
**Start Date:** 10 February 2026  
**Procedure:**  
**Hearing**  
**Questionnaire Due Date:** 17 February 2026  
**Statement Due Date:** 17 March 2026  
**Hearing Date:** 20 May 2026

---

**App.No:** 25/1856/FUL  
**Appeal Ref:** 6004696  
**Appellant:** Dr Hugh McCormick  
**Address:** 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)  
**Start Date:** 10 February 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 17 February 2026  
**Statement Due Date:** 17 March 2026

---

**App.No:** 25/1794/VAR  
**Appeal Ref:** 6004829  
**Appellant:** Leonard Taylor  
**Address:** 7 Woodlands Drive Exmouth Devon EX8 4QP  
**Proposal;** Variation of condition 2 (approved plans) of planning permission Ref: 22/1375/FUL (Single storey side extension, removal of chimney stack, conversion of roof space to habitable use to include a front and rear dormer, 2 roof lights, extension to vehicular hardstanding to front, installation of vehicular hardstanding to side, installation of boundary wall to rear, porch to front with alteration to fenestration) to allow for ridge height and pitch alterations and changes to fenestration.

**Start Date:** 10 February 2026  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 17 February 2026

---

**App.No:** 25/1302/FUL  
**Appeal Ref:** 6004880  
**Appellant:** Sarah Birnie  
**Address:** Northay Lodge Trinity Hill Road Axminster EX13 5SS  
**Proposal;** Change of use of existing dwelling house (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation.

**Start Date:** 12 February 2026  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 19 February 2026  
**Statement Due Date:** 19 March 2026

---

**App.No:** 25/2025/PIP  
**Appeal Ref:** 6004981  
**Appellant:** Mrs E Hunt  
**Address:** Land Adjoining Hawthorn House Back Lane Newton Poppleford  
**Proposal;** Permission in Principle application for up to 9no. dwellings

**Start Date:** 17 February 2026  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 24 February 2026  
**Statement Due Date:** 24 March 2026

---

**App.No:** 25/0800/FUL  
**Appeal Ref:** 6005430  
**Appellant:** Mr Thomas Rogers  
**Address:** 6 Jesu Street Ottery St Mary EX11 1EU  
**Proposal;** Redevelopment from commercial to residential of shop front, 1 two-bed cottage, 1 two-bedroom flat and a three-bed duplex apartment.  
**Start Date:** 24 February 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 3 March 2026  
**Statement Due Date:** 31 March 2026

---

**App.No:** 25/2309/FUL  
**Appeal Ref:** 6005489  
**Appellant:** David Mulvihill  
**Address:** Meadow Cottage Frogmore Road East Budleigh Devon EX9 7BB  
**Proposal;** Demolish existing dwelling. Construction of 1no. new dwelling with detached garage and other associated works  
**Start Date:** 2 March 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 9 March 2026  
**Statement Due Date:** 6 April 2026

---

**App.No:** 25/2532/FUL  
**Appeal Ref:** 6005675  
**Appellant:** Mr Stoykov  
**Address:** Pitney Water Storage Tank Broadhembury  
**Proposal;** Conversion and extension of the existing building to provide a two-bedroom dwelling  
**Start Date:** 3 March 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 10 March 2026  
**Statement Due Date:** 7 April 2026

---

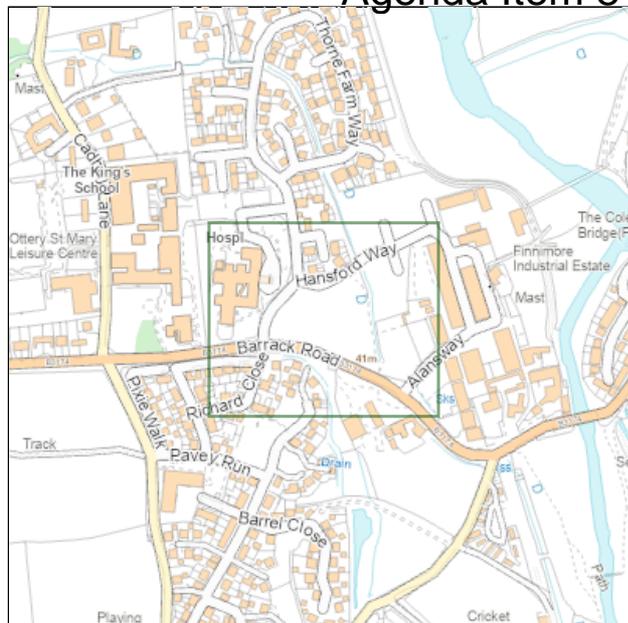
**Ward** Ottery St Mary

**Reference** 23/2077/MOUT

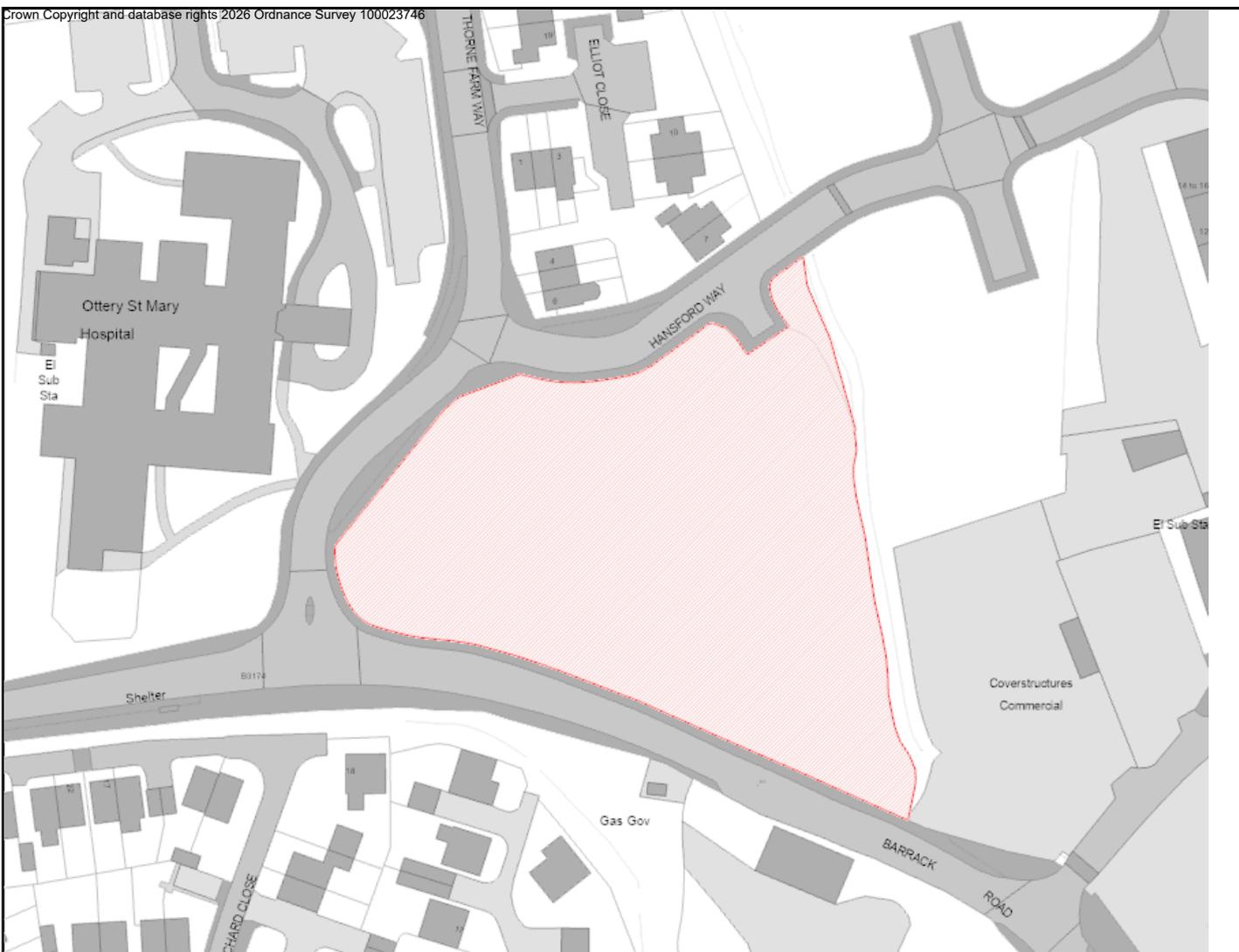
**Applicant** Mr Graham Hudson

**Location** Land South Of Hansford Way Ottery St Mary

**Proposal** Outline application for single storey class B8, E(c) and E(g) development comprising floor space of up to 2640 sq. m. (all matters reserved)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 24.03.2026</b>	
<b>Ottery St Mary (Ottery St Mary)</b>	<b>23/2077/MOUT</b>	<b>Target 28.12.2023</b>	<b>Date:</b>
<b>Applicant:</b>	<b>Mr Graham Hudson</b>		
<b>Location:</b>	<b>Land South Of Hansford Way, Ottery St Mary</b>		
<b>Proposal:</b>	<b>Outline application for single storey class B8, E(c) and E(g) development comprising floor space of up to 2640 sq. m. (all matters reserved)</b>		

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is brought before the Committee owing, principally, to a difference of opinion between officers and one of the ward members. However, as the proposal falls within a 'Major' category of development, the conflict between the officer position and that of the town council also triggers a need for Committee referral.

The proposal seeks outline planning permission for the development of up to 2640 sq. m. of employment floor space on a currently vacant site, extending to around 0.77 ha in area, on the north side of Barrack Road. It is essentially bordered by the existing Finnimore Industrial Estate to the east whilst the community hospital and housing served by Thorne Farm Way are to the west and north, respectively. Hansford Way is a secondary route that connects Thorne Farm Way with the industrial estate to the north of the site.

The majority of the site lies within flood zone 2 with approximately half of the site area also within flood zone 3.

The scheme proposes a mix of uses that fall within Classes B8 (Storage or Distribution), E(c) (Financial, Professional and other Services appropriate for provision within a commercial, business or service locality) and E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order (as amended) (UCO).

All detailed matters, comprising the layout, scale and appearance of development and means of access to, and landscaping of, the site are reserved for consideration at a later stage.

The site is, and has long been, designated as part of a larger Employment

**Allocation within the current adopted and predecessor local plans. As such, it is considered that the fundamental principle of the scheme, which would consist of traditional current and former B Class uses, would be acceptable.**

**The proposal is also thought to be acceptable having regard to all other contextual matters, such as its impact upon the character and appearance of the area, neighbour amenity impact, highways/traffic/parking, detailed flood risk mitigation matters, foul and surface water drainage disposal, ecology and archaeology.**

**Whilst a number of the concerns expressed by the town council, ward members, third parties and consultees in regard to the submitted site layout details are acknowledged, it should be emphasised that the current proposals are in outline alone with a maximum (as opposed to a fixed) level of floor space proposed. There would therefore be an opportunity at the reserved matters stage to assess the acceptability, or otherwise, of the details.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

A member of public spoke and acknowledged that the applicant had listened to some of the objections previously raised but that they still objected to the application, overall. A list of their objections were resummarised to the Committee.

#### Council Comments;

The Town Council do not support this application;

The look of the buildings is essential as the proposed site is at the entrance to Ottery  
There is a need for comprehensive landscaping to address the site appearance and potential issues with flooding

As previously commented, the Council feel that the hours of operation should be reduced to 6pm except Saturday where it should be 1pm

Footpath no 25 which is a public right of way is not mentioned in the plans

Concerns over parking issues, noise and various other pollutants near a hospital/school and residential area

B2 category (any industrial use) not appropriate at this site

#### Ottery St Mary - Cllr Vicky Johns

This application sits within my ward and I OBJECT to the application for a number of reasons;

I'm aware this site sits within land designated in the Neighbourhood plan for employment land but that doesn't mean it has to be industrial land, the application is for business type by which can be for a number of activities leading to excessive noise in an area which now has adjacent residential areas and a local hospital. The hours put forward to work are;

Mon-Friday 08:00-20:00

Saturday 08:00-20:00

This will cause a lot of noise and disturbance for neighbouring residential properties and indeed the hospital.

With respect to NPPF, subjecting residents to noise levels above the British Standard 'desirable' threshold, let alone at or beyond the 'upper' level, is contrary to NPPF paragraph 119 (healthy living conditions) and NPPF paragraph 130 (promoting health and well-being):

- NPPF Paragraph 119 states "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

- NPPF Paragraph 130 adds that "planning decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being"

The site had a Preliminary Ecological Appraisal done in December 2022 where the following was noted;

### 1.3 Site Ecology

The site has potential for/supports:

' Amphibians ' the grassland, tall ruderal and scrub provide suitable habitat for common amphibian species;

' Badger Meles ' no badger setts were identified on-site, however there was evidence of badgers foraging on site. Thus, the site is used for foraging and dispersal by badgers;

' Bats:

' Feeding & dispersal: the site will provide feeding and dispersal habitat for bat species;

' Birds ' the habitats on site will provide nesting and foraging opportunities for bird species;

' Hedgehog *Erinaceus europaeus* ' the site is likely to provide foraging and dispersal habitat for hedgehog; and,

' Reptiles ' the grassland, tall ruderal, and scrub provide suitable habitat for reptile species.

However the shrubs etc were all then torn out without any further investigation being done into the whereabouts etc of the animals mentioned above, I was concerned at the time and raised my concerns with EDDC. Since then the area has become green again and I have concerns that the same thing will happen again, with no consideration or concerns raised for the wildlife who currently use this area as a home.

The site is in a very prominent area of Ottery and is seen as soon as you enter the town, this means the site needs to stay attractive and the current scheme does not show that being done in any way, as shown by EDDC landscape architects report date December 2022 and apart from the buildings being turned around a little bit not a lot has changed.

Parking and traffic is going to be a major cause for concern, the roads may be wide enough for the vehicles however is in an exceptionally well used road being the main road into Ottery from the Exeter side, with a school, hospital and industrial centre within close proximity. Residents and the hospital are already concerned with the amount of traffic and parking issues they currently have and I don't see any way of alleviating that issue within this application.

I also note public footpath 25 runs through this site and I don't see it mentioned anywhere'.

With the information in front of me I object to this application but reserve the right to change my mind if further information becomes available.

#### Ottery St Mary - Cllr Bethany Collins

I welcome this application as the site has already been designated for employment/industrial purposes. My only concerns are the potential noise pollution and the preservation of the public right of way which has been in place for some time.

As long as mitigations to protect nearby residents from noise pollution are considered and implemented, as the public right of way is maintained, I see no issue with this development.

These are my views based on the information currently available to me. I reserve the right to alter my comments if further information comes to light.

#### **Technical Consultations**

##### DCC Flood Risk Management Team

Recommendation:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Drainage Strategy Plan (Drawing No.1002 , Rev.PL02 , dated 10th June 2024) .
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant has proposed to manage surface water via an attenuation tank before discharging it into Main river. The applicant should consult the Environment Agency for consent.

#### County Highway Authority

Observations:

I have reviewed the planning documents and visited the site in question.

The site is accessed off Hansford Way, near the Junction of the B3174 strategic transport route from the A30 into Ottery town centre.

The internal layout gives sufficient space for off-carriageway turning.

Final parking numbers will be a matter for the Local Planning Authority (LPA) to decipher.

The pedestrian access directly onto the B3174, has sufficient pedestrian visibility onto the footpath running into the town centre, there is a tactile island to cross the junction heading out of town, and a bus stop on each side of the road.

In summary, I do not believe the trip generation for this proposal will create an unacceptable impact upon the local highway network.

Should the application be approved, a reserved matters application will require secure cycle storage to encourage sustainable travel and help mitigate the trip generation from this development. In addition, a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate against the effects of construction upon the local highway network.

Finally swept path plans showing that the site can successfully be attended by a refuse and fire vehicle manoeuvre.

Recommendation:

#### EDDC Landscape Architect

Please see scanned letter under the 'documents' tab.

#### Environmental Health

I have considered the application and I and I would recommend a number of conditions:

1. This application involves the introduction of new commercial development in close proximity to existing noise sensitive dwellings and a hospital and therefore, it raises Environmental Health concerns in relation to noise.

A BS4142:2014+A1:2019 assessment should be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive properties including external amenity areas when measured against the current background sound levels. The purpose of the noise assessment is to determine whether or not any local noise sensitive receptors are likely to be adversely affected by noise from the introduction of the development. This information will help the decision-making process for the proposed systems. If the noise assessment highlights noise as an issue, further mitigation will need to be considered and assessed in order to

determine if it is at an appropriate level to achieve both satisfactory internal and external (amenity areas) noise levels.

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority

A lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing

Additional Comments:

Due to a high number of noise sensitive receptors (NSRs) in close proximity to the proposed development, a Swept Path Analysis will need to be undertaken assessing the impact of vehicle noise at the nearest NSRs to the site entrance off Hansford Way and the other NSRs on Hansford Way and Thorne Farm Way. This information will be used to consider the requirement for any further restriction in the developments the hours of use (including deliveries and despatches).

I'm happier with the change of classes use i.e., removing the B2 general industrial use. This does address EH concerns in relation to noise and can confirm that no further assessment is required. As the agent has already suggested restricting the B class use operating hours to M-F 8am-6pm and Saturday 8am-12 I'd recommend approval with the following condition:

- o For Class B uses - No deliveries shall be accepted or despatched to or from the site except between the hours of 8:00am until 6:00pm Monday to Friday, or 8:00am until 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.
- o For Class E uses - No deliveries shall be accepted or despatched to or from the site except between the hours of 7:00am until 23:00pm.

#### EDDC Trees

There appear to be few tree constraints on site apart from along the north eastern boundary. These tree constraints need to be taken into account and the design should be based around BS5837.

In principle I would not object to the development of the site as long as there is appropriate landscaping including the planting of large scale trees in the interests of amenity and urban greening.

#### Economic Development Officer

Recommendation: Support

The application proposes the development of 2,640sqm B2, B8, E(c) and E(g) class employment space. In terms of employment, this proposed development has the potential to accommodate 70 full-time equivalent jobs. The 0.77ha site has been allocated for employment uses in the current East Devon Local Plan.

#### Employment Land Supply and Demand

East Devon is experiencing a serious and protracted market failure in the supply of available employment land and commercial premises across the district. This is

constraining inward investment, local business growth and forcing some employers to have to leave the district.

The East Devon Local Economic Review (LER, Sept 2023) was endorsed by Cabinet on the 10 October 2023 and circulated to all members on the 23 October 2023. This work provides an overview of workspace supply and demand based on data provided by commercial agents and specialist consultants. The evidence shows that unmet demand as of November 2022 for employment space stood at 50.8ha, whilst available supply stood at just 1.7ha. This demonstrates a striking lack of available supply to meet existing demand undermining the supply of local employment and economic activity.

The LER also includes figures for the additional demand of employment space expected between 2019 and 2040. These forecasts suggest an additional 79ha of employment land is required to meet future need. These figures include 10ha of demand for logistics space and factor in the reduced demand for office space resulting from the culture-shift to hybrid working. Current and future demand combined equates to around 129.8ha of additional employment space required.

Expected supply of employment land has also been calculated based upon a number of sites in East Devon, including the application site, which could be developable within the 2019-2040 timeframe. Assuming all of these sites can be delivered, this would add up to 85.4ha of additional space. There are significant concerns that some of these sites are financially unviable and/or have no landowner intention to develop. These issues are being explored further by officers. Even if all of the sites identified are developed, including the application site, there would still be a shortfall of 42.7ha of employment space in East Devon.

#### Conclusion

The critical and worsening lack of employment land in East Devon is a significant concern to be given weight by planning colleagues and which we hope will be acknowledged by members of our Development Management Committee. If this site is not developed for employment uses, the 42.7ha gap between supply and demand identified in the LER will widen. The Economic Development team therefore fully support the proposed development of this site for employment uses.

#### DCC Historic Environment Officer

No objection subject to conditions

#### Environment Agency

Environment Agency position

Following review of the revised Flood Risk Assessment (Burley Partnership dated 10.09.24) and revised proposed 'Site Plan' ref. 2197-1D which reflects the changes suggested in our previous letter - namely removing the two units which were closest to the watercourse and removal of the unpermitted earth embankment in the eastern part of the site. As such we are able to remove our objection to the proposal subject to the inclusion of a condition on any permission granted relating to details of ground levels and landscaping.

#### EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA) (EcoLogic, October 2025). Supporting ecological surveys are considered valid to support the application.

The EclA confirms the site supports legally protected and notable species including common toad, a Species of Principal Importance, common frog, foraging badger, and is used by bats including occasional use by light adverse greater horseshoe, barbastelle, and myotis species. The site has potentially suitable habitat for dormice, nesting birds, and hedgehogs.

The application is not subject to mandatory biodiversity net gain (BNG) as it was validated prior to its implementation.

The recommendations in the EclA to avoid impacts on protected and notable species are considered proportional for the proposed scale of development, assuming they are fully implemented. The eastern boundary is likely to be the most ecological sensitive part of the site, adjacent to a small stream.

As this is an outline application there is limited detail. The outline plan indicates that development is located within close proximity to the southern and western boundaries. Any detailed proposal should ensure that buildings are sufficiently offset from boundaries to allow maintenance of these habitats from the development site and to ensure the success of any boundary tree planting, e.g., considering root zones.

It is recommended that boundaries should be planted as species-rich Devon bank hedges with occasional standard trees. These details would need to be set out in a Landscape and Ecological Management Plan (LEMP).

While it is considered that impacts on protected and notable species could be mitigated for, it is considered that given the limited area of proposed open-space habitat, the development would result in an adverse ecological impact through the loss of neutral grassland and scrub, e.g., as the development is not subject to mandatory BNG to account for these losses.

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

1. The development shall be carried out in accordance with the Ecological Impact Assessment (EclA) EcoLogic (October 20252),
2. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority.
3. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development.  
for the site.

#### Other Representations

A total of 12 representations of objection and 1 representation of support have been received across two rounds of consultation throughout the course of consideration of the application.

## Summary of Grounds of Objection

1. Insufficient information provided to demonstrate that the development will not result in an adverse impact on road safety, flood risk, noise impact, landscaping and visual amenity or that such impacts can be adequately addressed by measures to be considered in future at reserved matters stage.
2. Transport statement provides no assessment of likely trip generation and fails to quantify the impact or risk or demonstrate how such risk to the safety of residential, hospital and school users by increased traffic will be mitigated.
3. Unclear whether the site can provide safe and suitable access for emergency service vehicles.
4. Application has not demonstrated that a drainage strategy to adequately manage surface water and safeguard against increased flood risk can be delivered.
5. Development proposes no screening or planting to ensure it will not result in an adverse impact on visual amenity for adjacent residents and insufficient space to provide it.
6. Unclear how the development will be able to implement adequate mitigation to safeguard against any adverse noise impact on the adjacent residential properties in line with World Health Organisation Environmental Noise Guidelines; it therefore fails to comply with the NPPF.
7. Excessive noise and vehicle congestion that will exacerbate existing traffic generated by the Finnemore estate and hospital and during school drop off and pick up times when there are often long waits to exit Thorne Farm Way.
8. The existing Finnemore industrial estate is a fine example of poor planning and lack of any landscaping at the entrance to the town and this development will only make it worse.
9. Hospital is now getting more use and ease of patient access should be a priority over the proposed units.
10. Removal of bank alongside the footpath will lead to its closure from flooding as well as increased flooding in the area.
11. Concern at refuse storage opposite housing which could possibly include hazardous waste.
12. East Devon does not have a shortage of land for employment use; there is a large site next to Lidl in Honiton close to the council offices that has been up for sale for a long time and is still vacant.
13. Poor impression at entrance to town in addition to the existing estate and overdevelopment in the middle of a residential, healthcare and education area; wrong use for the land, especially given the change in character of the area since the land was first allocated for employment development.
14. Excessive noise and air pollution with dust and dirt affecting nearby properties.
15. Conflicts with many re-wilding efforts around the town and the protection of wildlife and their habitats.
16. Adverse impact upon property values in Thorne Farm Way and Kings Reach.
17. Insufficient road capacity for even more traffic in the area.
18. The Finnemore Estate already has a sufficient supply of units for the town and research of the market shows demand for units and land remains low locally and nearby; to build more on this site could lead to buildings remaining unoccupied.
19. The combination of watercourse, footpath and natural trees and shrubs form a well-defined natural barrier which should not be crossed into a predominately residential area.

20. The application site would be much better suited for amenity/MUGA/parking use or returned to an area for nature maintained by the community.

21. Conflict between small gain in employment, which can be achieved with different and better uses for the site, against a need to avoid higher flood risk, increased noise pollution and greater traffic congestion that if allowed will affect a lot of people in the immediate area.

#### Summary of Grounds of Support

1. East Devon woefully lacks decent accommodation for business.
2. Support subject to substantial and adequate screening, limitation of use to clean business and the offer of premises freehold to locally registered businesses.
3. Importance of infrastructure for the economy cannot be overstressed.
4. Skypark is inaccessible to local business due to freehold being tied up between developers, estate agents and chosen landlords.

## **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 4 (Balanced Communities) Adopted

Strategy 5B (Sustainable Transport) Adopted

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

Strategy 24 (Development at Ottery St Mary) Adopted

Strategy 30 (Inward Investment, Communication Links and Local Benefits) Adopted

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 50 (Infrastructure Delivery) 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

EN21 (River and Coastal Flooding) Adopted

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

E2 (Employment Generating Development in Built-Up Areas) Adopted

E9 (Town Centre Vitality and Shopping Areas) Adopted

TC2 (Accessibility of New Development) Adopted

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP04 (Employment provision and distribution strategy) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

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

Strategic Policy AR01 (Flooding) Draft

Policy SE01 (Employment development within settlement boundaries) 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 OL09 (Control of pollution) Draft

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

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

Policy HE04 (Archaeology and Scheduled Monuments) Draft

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

NP2 (Sensitive, High Quality Design)

NP7 (Flood Defences)

NP8 (Protection of Local Wildlife Sites and Features of Ecological Value)

NP18 (Supporting Ottery St. Mary as the Economic Focus for the Parish)

NP19 (Employment Uses Finnimore Industrial Estate)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

### **ANALYSIS**

#### Site Location and Description

The application site comprises a parcel of largely open undeveloped land, approximately 0.77 hectares in area and very broadly of triangular configuration, bound by Barrack Road (part of the B3174) to the south, Thorne Farm Way to the west and Hansford Way to the north.

The Ottery St. Mary Hospital is located on the opposite side of Thorne Farm Way from the site while residential development in Elliot Close lies to the north beyond Hansford Way, which itself forms a secondary access to the Finnimore Industrial Estate, the principal entrance to the estate being off Barrack Road to the south east of the site. Modern housing development is located to the south on the opposite side of Barrack Road.

The remaining eastern boundary of the site is defined by a public footpath (no. 25) that connects Barrack Road with Hansford Way a short distance to the east of a spur/turning head off the latter. A watercourse forming a tributary of the river Otter extends north to south broadly parallel with this footpath between it and the boundary of a further part of the Finnimore Industrial Estate to the east.

The site falls gently from west to east and, with the exception of a small area immediately alongside part of the boundary with Thorne Farm Way, lies within flood zone 2 whilst the marginally lower part of the site to the south and east is within flood zone 3.

The site is located within the Built-up Area Boundary (BuAB) of the town as defined in the adopted Local Plan and made Neighbourhood Plan and forms the majority of a designated Employment Allocation as set out within the former document.

#### Proposed Development

The application seeks outline planning permission for the development of up to 2640 square metres of employment floor space. This would comprise a mix of uses that fall within Classes B8 (Storage or Distribution), E(c) (Financial, Professional and other Services appropriate for provision within a commercial, business or service locality) and E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order (as amended) (UCO).

All detailed matters, comprising the appearance, layout and scale of the development and landscaping of, and access to, the site, are reserved for later consideration.

However, the proposal description agreed with the applicant's agent expressly refers to a single storey scale of development. The proposal is therefore being considered on this basis. Furthermore, the submission also includes an indicative site layout plan that has been amended during the course of the application to take into consideration flood risk issues (discussed in greater detail within the relevant part of the report below). This shows the entirety of the development concentrated within flood zones 1 or 2 - with none within the higher risk flood zone 3 - in the form of a series of connected buildings/'blocks' with stepped elevations onto both Barrack Road and Thorne Farm Way.

Vehicular access is shown, indicatively, to be taken off the spur/turning head off Hansford Way towards the north eastern corner of the site with an internal estate road serving groups of parking spaces outside of each 'block' of units within a loosely formed courtyard, some of which would be laid out within flood zone 3. The remainder of the site to the east (i.e. within flood zone 3) is shown as being a 'biodiversity enhanced landscaped area'.

A new pedestrian access into the site from Barrack Road is also shown on the illustrative site plan in a position just to the east of the Thorne Farm Way junction.

The plan also identifies an 'existing hedge bank' around the Barrack Road and Thorne Farm Way boundaries to be 'retained/augmented' and indicatively shows tree planting throughout the site as well as alongside both of these boundaries between the stepped elevations of the units.

The proposals as originally submitted also included uses falling within Class B2 (General Industry) of the Use Classes Order. However, these have been omitted in the light of the concerns raised by consultees and interested third parties.

#### Considerations/Assessment

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

#### Principle of Development

The application site has long been allocated for employment purposes within predecessor town and district-wide plans to the current adopted Local Plan, having been viewed as a natural extension to the neighbouring Finnimore Industrial Estate. It is also similarly allocated in the emerging Draft Local Plan 2020-2042. As a matter of broad principle, therefore, both plans are supportive of proposals for development of the site for employment-generating purposes.

Strategy 24 (Development at Ottery St. Mary), among other provisions, lists the site, together with two further neighbouring and nearby parcels of land on the edge of the Finnimore Estate, as an allocation for employment purposes. The strategy also expressly requires, among other objectives, that proposals for development in the

town should provide employment opportunities, including on land allocated for employment uses.

In addition, the preamble to Policy NP19 (Employment uses Finnimore Industrial Estate) of the made Ottery St. Mary and West Hill Neighbourhood Plan also recognises the above employment land allocations totalling 2.2 hectares in area.

In broad terms therefore, the development of the site for employment purposes would be consistent with this strategy.

The consultation comments of the Council's Economic Development Officer in relation to the wider employment supply situation across the District are also recognised as weighing significantly in favour of the release of the application site for employment development purposes.

Moreover, it is accepted that the Class B8, E(c) and E(g) uses applied for would all satisfy the definition of appropriate 'employment' uses for the purposes of satisfying the purpose of the employment allocation of the site. Those falling within Class B8, would comprise storage or distribution uses, as stated, while those falling within Class E(g) were, until the amendments to use classifications that were introduced in 2020, within the former Class B1 (Business/Light Industrial) and also regarded as being acceptable employment uses.

The current Class E(c) uses previously fell within Class A2 (Financial and Professional Services) where a defining characteristic of such uses/services was their appropriateness for provision within a 'shopping area'. They were therefore often regarded as being outside of the 'traditional B Class' uses accommodated within areas allocated for employment purposes.

However, the 'new' Class E(c) is altogether more flexible insofar as it includes financial, professional and other services that are appropriate for provision in a 'commercial, business or service locality'. As such, the uses that it includes are considered to be acceptable for the purposes of the employment allocation.

Matters relating to the sequential and exception tests for flood risk are discussed later in the report.

The proposed development is therefore considered to be in line with the long held and current policy objectives for the site and, as such, is acceptable in principle.

#### Layout/Design/Impact upon Character and Appearance of Area

The concerns and issues raised by the town council, ward members and interested third parties in this regard are duly acknowledged. However, it should be emphasised that the current application has been submitted in outline alone with all detailed matters, including those relating to the layout, scale and appearance of buildings on the site, reserved for submission and consideration at a later stage.

Three further points are also reiterated.

First, the submitted site layout is purely indicative at this stage and, aside from having been amended during the course of the application to move buildings out of flood zone 3 so as to address flood risk issues, does not necessarily represent, the detail of what may emerge at the reserved matters stage.

Indeed, it is recognised at this stage that such a layout may not necessarily be acceptable from the perspectives of either the presentation of an acceptable elevation treatment and active frontage to either Barrack Road or Thorne Farm Way or the realisation of an appropriate level of soft landscaping around the site boundaries with these and, more broadly, within the considerable public domain within which this visually prominent site is located close to a key entrance to the town. Furthermore, as regards the latter, there can be no certainty as to the ability of the various individual trees that are shown indicatively on the submitted site plan to properly establish within the modest spaces in which they are shown.

It is therefore agreed that the detailed proposals that are ultimately brought forward, which - as stated - would necessarily include details relating to layout, scale (including footprint areas of buildings) and landscaping as three of the specific reserved matters, would be required to address these issues. However, at this stage, it is not considered that the principle of the proposed development could reasonably be resisted on the basis of a lack of satisfactory detailing of such matters or those relating to unit numbers or densities.

Secondly, the agreed description of the proposed development reflects a specific commitment to realise a single storey form of development on the site. As such, in the event of a grant of outline planning permission, this would need to be carried forward in terms of the scale and form of buildings that are the subject of the reserved matters application.

Conversely, if this is not the case, any proposals for development of greater scale that extend beyond the scope of the outline permission (if granted) would need to be robustly justified and the importance of appropriate assimilation into the surrounding townscape with comprehensive site landscaping accentuated.

Nevertheless, the wider point remains that this would be an issue for the reserved matters stage.

Thirdly, the inclusion of the wording 'up to 2640 square metres' of floor space within the proposal description builds in a maximum level of floor space as well as flexibility for provision of a reduced level of floor space below this figure. Any subsequent application for the approval of the detailed matters reserved by a grant of outline permission would therefore be required to reflect this description whilst any alternative involving the provision of additional floor space would be required to take the form of either a fully detailed submission or be incorporated as part of a revised outline application.

On the basis of the balance of these considerations therefore and also having regard to the matters of principle set out above and the outline nature of the submission, it is not thought that any prospective development of the site could reasonably be

resisted at this stage on the basis of any detrimental impact upon the character or appearance of the area.

The proposal would therefore satisfy the objectives of adopted Local Plan Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) that, among others, seek to ensure that development is compatible with the character of the site and its surroundings and respect the key characteristics and special qualities of the wider area.

#### Impact on Neighbour Amenity

Much of the concern expressed in regard to the impact of the proposed development upon amenity has been prompted by the proposed hours of opening as set out within the application together with the proposed inclusion of Class B2 uses within the development and their potential amenity effects upon the living and operating conditions of nearby residents and the hospital, respectively, principally as a consequence of increased noise and disturbance.

The intended 'hours of opening' are specified within the application as being 8.00am to 8.00pm Monday to Saturday.

However, the application was completed prior to the final description of the proposed development, incorporating a more detailed breakdown of the use classes, being agreed with the applicant's agent. As such, it only refers to 'Class E/Employment development' and the specified hours of opening are simply set out under the heading 'Class E - Commercial, Business and Service'; i.e. there is no reference to the separate Classes B8 uses or any breakdown between the hours relating to the proposed Class E(c) uses and those pertaining to the proposed E(g) uses.

The agent, in commenting on this issue in response to the objections that have been raised, has highlighted the absence of any objection to the application from the Council's Environmental Health team on the basis of the hours of operation proposed.

However, it has been indicated that there would be a willingness to accept a restriction to the hours of operation of the proposed Class B8 uses to the hours of 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays.

The relatively benign nature of Class E(c) and E(g) uses, especially relative to Class B8 use, is such that it is not considered that their operation until 8.00pm six days of the week would be materially harmful to the character of the wider area or the living conditions of nearby residents. However, the more restricted hours offered for the Class B8 uses are thought to be necessary in the interests of the amenities of those living near to the site.

Similarly, there is no objection from the Environmental Health team to more flexible hours for **deliveries** (i.e. as opposed to the **hours of business**) associated with the proposed Class E(c) and E(g) uses. These would be permitted from 7.00am until 11.00pm.

As stated above, Class B2 (General Industry) uses that might otherwise be the least neighbour friendly from the point of view of noise and disturbance no longer form part of the proposals.

The proposals are therefore considered to meet with the relevant provisions of Local Plan Policy D1 (Design and Local Distinctiveness) that permit proposals where, among other things, they do not adversely affect the amenity of neighbouring and nearby occupiers of residential properties.

#### Highways/Access/Parking

No objections are raised to the proposal by the County Highway Authority (CHA) subject to a recommended condition of a standard nature requiring the submission of a construction management plan for the Council's approval prior to the commencement of development.

The CHA has expressed no concerns regarding the suggested access to the development off Hansford Way or the adequacy of on-site manoeuvring arrangements which are considered to provide for sufficient space for off-carriageway turning of vehicles. Furthermore, the pedestrian access indicated on the submitted illustrative site layout plan would be positioned where there would be sufficient visibility for pedestrians along Barrack Road in the direction of the town centre as well as close proximity to a tactile crossing and island at the Thorne Farm Way/Barrack road junction with further pedestrian facilities beyond that to the west and bus stops on both sides of Barrack Road just west of the same junction.

It is also anticipated that the level of trip generation from the development would avoid any unacceptable impacts upon the local highway network, especially if this can be mitigated to some extent by the inclusion of secure cycle storage facilities within the scheme so as to encourage use of a more sustainable mode of travel.

The level and adequacy of parking space provision within the development is, however, highlighted as being a matter for the District Council, as Local Planning Authority, to assess.

In this regard, the effective neutralisation of a significant portion of the site so as to avoid built development within the higher risk flood zone 3 means that there is considerable capacity for the provision of parking space and it is therefore not anticipated that there would be likely to be any concerns in relation to any inability to make sufficient parking provision within the site.

The development would have no impact upon public footpath no. 25. There are no proposals for the extinguishment or diversion of either the entirety or part of this public right of way.

It is therefore accepted that the development would comply with the requirements of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

## Flood Risk

There is a need to apply the sequential test at this application-level stage in line with Government guidance as set out in the National Planning Policy Framework (NPPF).

In this regard, it is accepted that the area for search can appropriately be limited to that within the BuAB of Ottery St. Mary since the development is mainly intended to provide employment for the town itself.

Aside from the large Employment Allocation area within which the site is located, there are no other such allocations within the BuAB or indeed any non-allocated land or other areas within flood zone 1 available or likely to come forward for such purposes, not least owing to the compact and densely developed character of the town.

As such, it is concluded that it is not possible for the development to be located in an area with a lower flood risk than the application site. The proposal therefore satisfies the sequential test.

Moreover, in line with National Planning Practice Guidance, the 'less vulnerable' classification of the proposed uses (as defined in the NPPF) means that there is no requirement to engage the exception test for flood risk.

In terms of more detailed site flooding matters, a revised flood risk assessment (FRA) has been negotiated with the applicant's agent through the course of the application. The proposals now therefore incorporate the following:

- The siting of built development within flood zones 1 and 2 only, retaining land within flood zone 3 (including functional floodplain) for vehicular access and manoeuvring, parking spaces and landscaping at existing grade, so as to provide enhanced climate change flood capacity
- The construction of units at a specified minimum design flood level (DFL), allowing for a 0.3 metre freeboard

(The negotiated revised indicative site layout details now show these modifications)

- Removal of an embankment to the west side of the tributary to the river Otter to enhance watercourse capacity and allow flood overspill to the eastern side of the site
- Hard surfaces of permeable SUDS-compliant drainage design
- Surface water drainage from buildings to be attenuated and discharged via ground soakaways to avoid river surcharging during peak flood conditions

Standard flood mitigation measures are also included within the FRA; these comprising:

- Positioning of entrance doorways away from potential flood risk
- Locally re-graded areas to divert flood waters

- Robust cavity wall construction to a minimum of 1.2 metres above DFL with water resistant closed cell cavity insulation
- Robust sealed concrete slab floor construction
- Provision of a refuge mezzanine to all units at a minimum datum level to provide a safe haven for emergency refuge during an extreme flood event
- Flood resistant access doors
- Use of flood resistant construction techniques (such as electrics above flood level)
- Use of materials with low permeability to at least 0.3 metres
- Ensuring access to all spaces to enable drying and cleaning
- Fitting of a one way valve to the foul drainage connection to the main sewer to prevent backing up
- Foul drainage covers to be water tight screw down type to prevent flood water entering the drainage system
- Installation of water and electrical services a minimum of 1.2 metres above DFL within fully sealed pipes/conduits

The Environment Agency (EA) is now satisfied that the revised layout suitably reflects the flood risk to the site and makes an appropriate allowance for climate change; moreover, that the development can be made safe and not increase flood risk elsewhere and therefore accords with the overarching requirements of the NPPF.

The EA do however maintain that it is vital that the functionality of flood zone 3 is protected and therefore recommends a condition requiring the submission of details of ground levels and landscaping within it, including the removal of the embankment alongside the watercourse, to ensure that this is maintained and the interests of adjacent third parties safeguarded.

On the basis of the above, the proposal is thought to comply with the requirements of Local Plan Policy EN21 (River and Coastal Flooding).

#### Drainage

It is proposed to manage foul drainage from the development by means of a mains sewer connection.

In regard to surface water drainage, and in line with the requirements of the surface water drainage hierarchy, infiltration site testing has been carried out on site. However, owing to significant differences in ground conditions across the site, the use of soakaways is not considered to be viable.

The proposed surface water drainage strategy for the scheme therefore involves the below ground attenuation of surface water, via a tank, with a controlled discharge rate to mimic greenfield runoff rates, to the tributary watercourse to the river Otter.

The strategy also references consideration to be given to raised rainwater gardens/planters in conjunction with rainwater pipes and/or water butts in appropriate locations to provide a level of source control.

These arrangements are acceptable to the Lead Local Flood Authority subject to a condition being attached to any permission granted to secure the submission of further design details for approval.

The development would as a consequence meet with the provisions of Local Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development).

### Ecology

The submission includes both preliminary ecological appraisal and further protected species survey reports, the principal conclusions and recommendations of which are as follows:

1. Prior management, clearance and subsequent management of the site to be informed by a construction ecological management plan (CEMP). This would need to include sensitive prior clearance of vegetation so as to avoid the risk of any species being killed or injured or causing disturbance to, or destruction of, any active nests. It should also include designation of an area of retained vegetation along the eastern boundary as a receptor area for the displacement of amphibian species.
2. Protection of retained boundary scrub habitats (mainly the eastern boundary with the public footpath) and adjacent priority habitat with tree protective measures during construction.
3. Careful removal of vegetated spoil mounds housing active mammal burrows during the pre-construction and construction periods.
4. The fencing or covering over of any open overnight excavations or pipework to prevent potential entrapment and/or injury of species such as hedgehog or badger.
5. Habitat creation measures to compensate for the loss of habitat on site. These should include: native species hedges; wildlife habitat landscaping such as wildflower meadow, orchard planting, scrub, etc.; wildflower/rough grassland adjacent to the boundary earth bank; at least three habitat piles/hibernacula within the site, inbuilt bat, bird and invertebrate provisions incorporated into the proposed buildings; separation of retained and created habitats from gardens/amenity areas with post and rail fencing with wildlife holes, and retention and creation of wildlife habitats to be informed by a landscape ecological management plan (LEMP)
6. Installation of external lighting to a particular specification so as to avoid any illumination of site boundaries, any retained and created habitats and areas beyond the site, mainly to avoid deterring nocturnal bat activity.
7. Agreement to an ecological mitigation strategy at the reserved matters stage to include an ecologically sensitive lighting plan, informed by a CEMP and LEMP, in order to demonstrate a neutral or positive biodiversity impact.

The submitted illustrative site layout plan shows a 'biodiversity enhanced landscaped area' within the parts of the site not occupied by buildings, the access road and parking spaces.

Subject to appropriately worded conditions along the lines of those recommended by the Council's Ecologist being attached to the grant of permission, it is considered that the proposal would be satisfactory from an ecological perspective and, as such, would satisfy the requirements of Local Plan Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features).

#### Archaeology

Devon County Council's Historic Environment Team (HET) has reviewed the application and recommended that a pre-commencement condition be attached to any grant of permission requiring the submission for approval of a written scheme of investigation (WSI) setting out a programme of archaeological work to mitigate for the potential loss of heritage assets with archaeological interest.

The site occupies an area where previous archaeological investigations undertaken in advance of developments in the vicinity have revealed the presence of scattered prehistoric and medieval settlement and it is possible that similar archaeological and artefactual deposits may be present. As such, groundworks have the potential to expose and destroy these. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse any archaeological evidence that will otherwise be destroyed by the proposed development.

A further condition is also recommended to secure the completion of a post-investigation assessment in accordance with the approved WSI alongside details as to the provision made for analysis, publication and dissemination of results and archive deposition.

Subject to these conditions, the proposal is accepted as being in compliance with the provisions of Local Plan Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance).

#### Planning Balance

In conclusion, having regard to the overall balance of the material considerations set out above it is thought that the proposals as amended during the course of the application are now acceptable.

It has been a long held policy aspiration that this site be developed for employment purposes. Furthermore, it is considered that the scheme now incorporates an acceptable and appropriate mix of uses having regard to the constraints presented by the relationship of the site with neighbouring residential and institutional (hospital and school) uses/premises, the inclusion of a significant part of the site within higher risk flood zones and the location of the site at a main entrance to the town.

As such, and subject to the conditions set out below relating to the contextual matters that are material to the assessment of the proposal at this outline stage, it is considered that a grant of permission for the development would be justified.

The concerns raised by the town council, ward member and interested third parties, whilst recognised, are thought to have been satisfactorily addressed through the course of the application and/or can be appropriately dealt with via appropriately worded conditions.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto 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 one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. Prior to commencement of a phase of the development, a Construction Management Plan (CMP) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery

vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

5. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. The floor levels of buildings shall be in accordance with, or above, the levels as shown on drawing no. 2197-1G. 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 interests of the character and appearance of the development and wider area, to ensure that the functionality of the flood plain is preserved and the interests of adjacent third parties safeguarded and in order to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

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

(Reason - A pre-commencement condition is required to ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031.)

7. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication

and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

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

8. The landscaping details to be provided at the reserved matters stage shall include details of existing trees, hedges and shrubs to be retained. These shall also include the removal of the earth embankment parallel to the watercourse. The approved landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any existing trees or other plants to be retained and trees or other plants to be planted in accordance with the approved landscaping scheme which die during this period shall be replaced during the next planting season with specimens of the same size and species, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the development and wider area, to ensure that the functionality of the flood plain is preserved and the interests of adjacent third parties safeguarded and in order to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

9. No part of the development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the Drainage Strategy Plan (drawing No.1002 Rev. PL02 dated 10th June 2024) .

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

(Reason - In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and local and national policies, including Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework and Planning Practice Guidance. The condition should be pre-commencement since

it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed and to prevent building works taking place without certainty of the drainage scheme being delivered.)

10. No deliveries associated with any uses within Use Class B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be accepted or despatched to or from the site except between the hours of 8:00am and 6:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No deliveries shall be accepted or despatched to or from the site on Sundays or Bank Holidays.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
11. No deliveries associated with any uses within Use Classes E(c) (Financial, Professional and other Services) or E(g) (Office, Research and Light Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be accepted or despatched to or from the site except between the hours of 7:00am and 11:00pm.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
12. No development above building foundation level shall take place until details of covered and secure cycle/scooter storage and electric vehicle charging facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved facilities shall thereafter be retained in perpetuity.  
(Reason - In the interests of promoting sustainable means of transport in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)
13. No goods, materials, machinery or waste shall be stacked, stored or deposited outside any of the buildings hereby permitted. Such storage shall only be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained as approved and used for storage purposes only.  
(Reason - To protect the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
14. The approved parking areas and access thereto shall be kept clear of obstruction at all times and shall not be used other than for the parking of

vehicles in connection with the development hereby permitted or for the purposes of access.

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

15. Prior to the first occupation of any unit hereby permitted, a lighting scheme for the site shall be submitted to, and approved in writing, by the Local Planning Authority. The lighting scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme shall cover the impact of the lighting on the nearest sensitive receptors, including the provision of any mitigation (shielding) measures. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. The development shall be operated in accordance with the approved lighting scheme at all times.

(Reason - In the interests of the avoidance of light pollution and to ensure that light pollution is not detrimental to the amenity of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)

16. The development hereby permitted shall be carried out in accordance with the measures for the mitigation of, and compensation for, the impact of the development upon protected species and biodiversity enhancement set out in the Preliminary Ecological Appraisal dated December 2022 (report ref. 220919 rev00) and the Ecological Impact Assessment dated October 2025 (report ref.: 220919 rev02) prepared by EcoLogic Consultant Ecologists. The development shall not be brought into use until the Local Planning Authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features have been installed, including:
- a. integrated bat boxes (1 per unit),
  - b. integrated bird boxes (1 per unit)
  - c. insect bricks (1 per unit)
  - d. Reptile/amphibian hibernacula (3 no.)

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

17. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures for flood risk as set out within the revised Flood Risk Assessment (ref. 2197-FRA) dated 10th September 2024 prepared by the David Burley Partnership.

(Reason - In the interests of ensuring that the functionality of the flood plain is preserved, the interests of adjacent third parties are appropriately safeguarded and to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

18. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the Local Planning Authority. The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
  - h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

(Reason - A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures further to a preconstruction risk evaluation of potentially damaging construction activities and the agreement of appropriate management measures, where necessary, in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

19. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment EcoLogic (October 2025) and the approved hard and soft landscape plans and associated details and shall include the following:
- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/maintained.
  - b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
  - c) A description and evaluation of landscape and ecological features to be created/managed and any site constraints that might influence management.
  - d) Landscape and ecological management aims and objectives for the site.

e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:

i. Trees, woodland/orchard and hedgerows/banks.

ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

iii. New trees, woodland/orchard areas, hedges and amenity planting areas.

iv. Grassland, wildflower and any other habitat areas proposed.

g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, and other features, e.g., reptile hibernacula, to be shown clearly on accompanying plans.

h) Lighting plan in accordance with Section 6.4 of the EclA.

i) Boundary structures, drainage swales, water bodies and other infrastructure/facilities within public/ communal areas.

j) Arrangements for inspection and monitoring of the site and maintenance practices.

k) 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.

l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

(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) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Classes A or H of Part 7 of Schedule 2 shall be carried out without a grant of express planning permission from the Local Planning Authority.

(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of avoiding overdevelopment of the site and safeguarding the character and appearance of the area in accordance with Strategy 6 (Development within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

21. The development hereby permitted shall only be used for purposes within Classes B8 (Storage or Distribution), E(c) ((Financial, Professional and other Services) or E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason - To define the terms of the permission in the interests of ensuring an appropriate mix and proportion of employment uses and to enable the Local Planning Authority to retain control over potential alternative uses in the interests of protecting the amenity of neighbouring residents to the site in line with the provisions of Strategy 24 (Development at Ottery St. Mary) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
22. No use within Use Class B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be carried on outside of the hours of 8:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays or at any time on Sundays or Bank Holidays.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case 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.

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:

0B	Location Plan	28.09.23
2197 Rev 1G	Proposed Site Plan	12.12.24

List of Background Papers

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

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

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been

balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

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

**Ward** Clyst Valley

**Reference** 25/2593/PIP

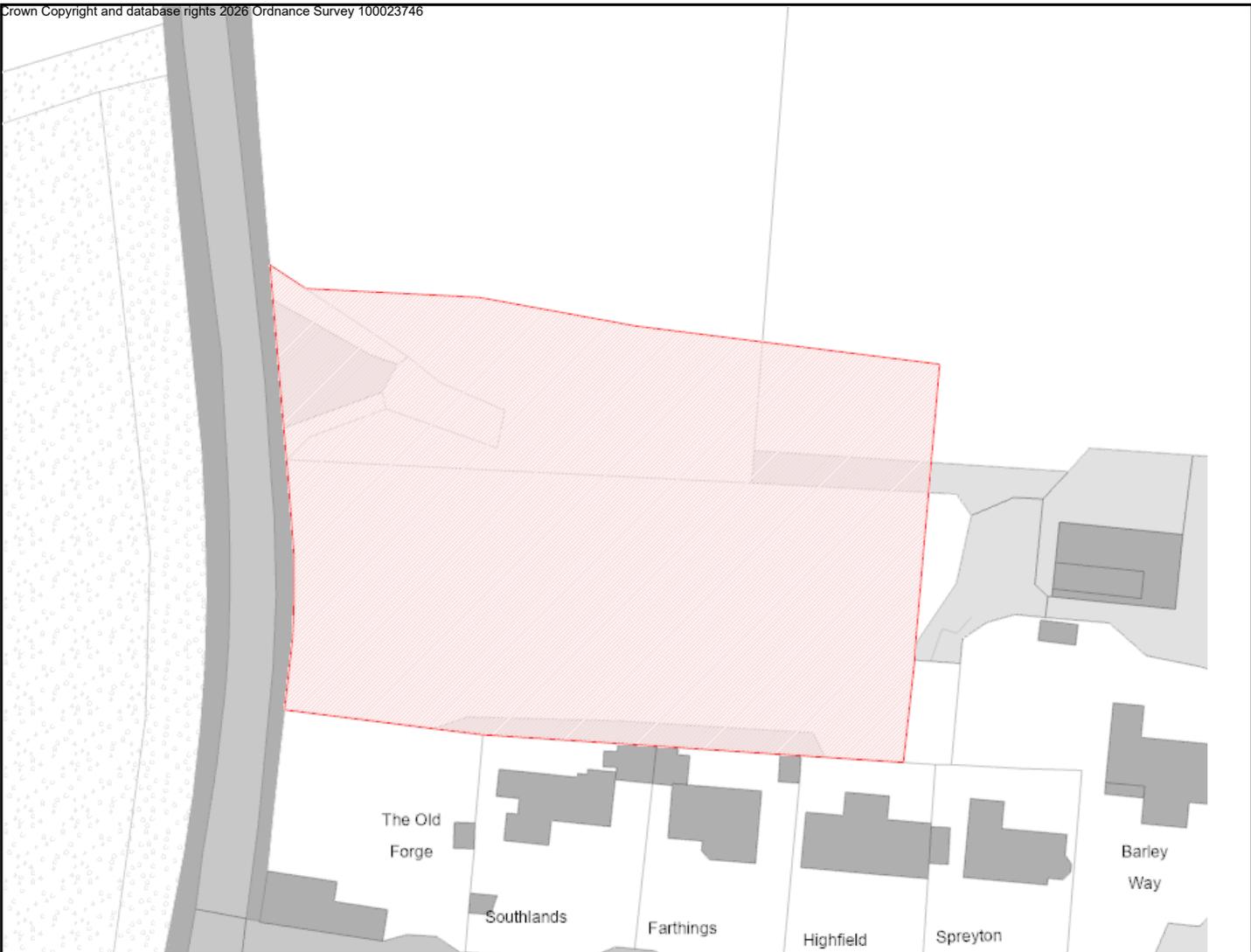
**Applicant** Mr Christopher Heal

**Location** Land Adjacent To A376 Exmouth Road Ebford Lane Ebford

**Proposal** Permission in principle for the development of up to five detached dwellings.



**RECOMMENDATION: Grant of Permission in Principle**



		<b>Committee Date: 24.03.2026</b>
<b>Clyst Valley (Clyst St George)</b>	<b>25/2593/PIP</b>	<b>Target Date: 28.01.2026</b>
<b>Applicant:</b>	<b>Mr Christopher Heal</b>	
<b>Location:</b>	<b>Land Adjacent to A376 Exmouth Road, Ebford Lane, Ebford</b>	
<b>Proposal:</b>	<b>Permission in principle for the development of up to five detached dwellings.</b>	

**RECOMMENDATION:** Grant of Permission-in Principle

### **EXECUTIVE SUMMARY**

**This application is before the planning committee owing to the application representing a departure from the Local Plan.**

**Permission in principle is sought for up to five dwellings on a site to the immediate north of the village of Ebford. While the site lies outside of any Built up Area Boundary and would represent an outward expansion of Ebford into the countryside, the landscape and heritage assessments indicate that the development could be accommodated without resulting in unacceptable harm, subject to suitable boundary treatments and landscaping.**

**Although facilities within Ebford are limited, a nearby recent appeal decision stated that Ebford lies within a sustainable location in relation to access to services, which is a material consideration in support of the proposal. The amount of development proposed is considered appropriate and would be capable of being delivered without causing undue impacts to neighbouring residential amenity. Matters relating to highways design, pedestrian improvements, drainage, ecology, and tree protection will all require full consideration at the subsequent Technical Details Consent stage.**

**Applying the presumption in favour of sustainable development there are no adverse impacts that would significantly and demonstrably outweigh the benefits of a small increase to East Devon's housing supply. As such, and having regard to the limited scope of PiP, the proposal is considered acceptable in principle.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Parish Council Vote: Object,

Building on this plot of land would reduce the visual separation of Ebford from Clyst St George. The Plot is unsuitable for building. The impermeable clay soil and sub soil means that by mid winter surface water does not soak away. The P.C. also have concerns about the access from the A376 as it is so busy.

### **Technical Consultations**

The Historic Environment Team – no objection subject to condition.

County Highway Authority – visibility acceptable but internal footway recommended to improve pedestrian safety.

Environmental Health – no objections.

#### Other Representations

20 third party representations have been received, with 19 representations in objection to the proposal and one representation in support.

A summary of grounds for objection are as follows:

- Unlike previous schemes, the proposal is not for infill development; and would permanently change Ebford's character.
- The site contributes to the rural character of the area and development would represent an incongruous and harmful urban intrusion.
- Concerns regarding additional traffic on A376 and noise impacts of additional housing
- The village has no facilities in terms of Church, school, shop or public playground and could not be considered a sustainable location.
- The proposal could cause adverse impacts to the sitting of nearby heritage assets.
- Pavements to nearby facilities are narrow and inadequate to provide safe access to nearby facilities. There are no pedestrian crossings over the A376.
- The location of the application site could exacerbate existing flooding issues in Ebford.
- The site would be lost to agriculture.
- Five bungalows rather than houses would be preferable to reduce visual impact and overlooking upon existing dwellings.

A summary of grounds for support are as follows:

- The site is well suited for additional housing as long as the design of houses reflects the character of the area.

## **PLANNING HISTORY**

15/0117/MOUT	Outline application with some matters reserved for the construction of highway link between Ebford Lane and A376; demolition of agricultural buildings, construction of up to 10 no. dwellings, access and open space. Refusal 23/06/2015
23/1399/FUL	Proposed new agricultural entrance at land north of Barley Way. Approval 19.09.2023
23/2520/FUL	New agricultural track. Approval 10/01/2024

---

## **POLICIES**

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

Strategy 7 (Development in the Countryside) Adopted  
D1 (Design and Local Distinctiveness) Adopted  
D2 (Landscape Requirements) Adopted  
D3 (Trees and Development Sites) Adopted  
EN5 (Wildlife Habitats and Features) Adopted  
EN6 (Nationally and Locally Important Archaeological Sites) 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

### Clyst St. George Parish Neighbourhood Plan (Made July, 2018)

Policy No. CSG1 Sustainable Development  
Policy No. CSG6 Protection of Trees and Woodlands  
Policy No. CSG7 Protection of Hedgerows  
Policy No. CSG8 Local Heritage Assets  
Policy No. CSG9 Design Matters  
Policy No. CSG14 Safer Travel

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

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft  
Strategic Policy AR01 (Flooding) Draft  
Strategic Policy AR02 (Water efficiency) Draft  
Strategic Policy DS01 (Design and local distinctiveness) Draft  
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft  
Policy TR04 (Parking standards) Draft  
Strategic Policy OL01 (Landscape features) Draft  
Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft  
Strategic Policy PB04 (Habitats Regulations Assessment) Draft  
Strategic Policy PB05 (Biodiversity Net Gain) Draft  
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft  
Policy PB08 (Tree, hedges and woodland on development sites) Draft  
Policy HE02 (Listed buildings) Draft  
Policy HE04 (Archaeology and Scheduled Monuments) Draft

### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

## ANALYSIS

### Site Location and Description

The application site is the southern portion of a large agricultural field which lies to the north of Ebford, and to the east of the A376 Exmouth Road. The site is accessed off the A376 via an existing agricultural field access created under application 23/1399/FUL. Immediately to the south of the site are a number of dwellings accessed off Ebford Lane whose rear gardens back on to the application site. On the opposite side of the A376 is a large plantation of trees. The site slopes gently down from the north east to the south west and is bounded by a devon bank / post and wire fence to the southern boundary and a hedgerow and narrow pavement to the western boundary. To the east of the site is an agricultural building with planning approval for a replacement dwelling.

No formal landscape designations apply to the site. Land to the west of the A376 is designated as a 'Green Wedge' under Strategy 8 of the Local Plan, and a Coastal Preservation Area under Strategy 44 of the Local Plan.

### Proposed Development

Permission in principle is sought for the development of up to five detached dwellings on the site. Access would be via the existing agricultural access off the A376.

### Procedure

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

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

## Considerations and assessment

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

### Land Use

The village of Ebford does not have a Built up Area Boundary (BuAB) as defined by the Local Plan.

The site's location outside of any BuAB means that the site is subject to the provisions of Strategy 7, 'Development in the Countryside'. This strategy is an overarching strategy for all development and 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".

Ebford is not one of the settlements listed in Strategy 27 of the Local Plan which offer a range of accessible services and facilities to meet many of the everyday needs of the residents, and there are no policies within the Local Plan that would permit the construction of 5 open market dwelling within the countryside.

The emerging local plan, for which a second round of regulation 19 consultation has just completed, also makes no provision for development in Ebford. The plan seeks to direct development towards the west end of the district, and the main centres of Axminster, Honiton, Ottery St Mary, Seaton, and Sidmouth. The plan supports development at the Local Centres of Broadclyst, Budleigh Salterton, Colyton, Lympstone, and Woodbury, as well as allowing limited development at 23 service villages within the district. Ebford is not listed as one of these service villages meaning that under the emerging local plan the village is also defined as 'open countryside' for the purposes of the emerging local plan. It is noted however that only a small amount of weight can be given to the emerging plan at this stage.

The Clyst St. George Parish Neighbourhood Plan was made in July 2018. The Neighbourhood Plan notes that housing development in the Parish has usually been small in scale, with approximately 30 houses having been built in the last 20 years. The majority of these have been infill development on large gardens or conversions of existing buildings. There are no specific policies within the Neighbourhood Plan that would permit five new build open market dwellings.

However, a further material consideration in the determination of the application 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.

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

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

The neighbourhood plan was made over five years ago, and does not contain policies and allocations to meet the identified housing need.

The application site immediately abuts residential development to the south. The proposed five dwellings could be accommodated on the site, subject to an assessment of the landscape impacts of the scheme.

In strategic policy terms therefore, given the application of the presumption in favour of sustainable development, the proposed use of the land for housing could be acceptable from the perspective of land use.

### Location

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

### **Accessibility**

Local Plan Strategy 3 Sustainable Development advises the objective of ensuring sustainable development is a key factor and includes consideration of factors such as the prudent use of natural resources, which includes minimising fossil fuel use and reducing carbon dioxide emissions. As such, developments which are heavily reliant on car travel are not considered sustainable.

Local Plan Strategy 5B Sustainable Transport requires development to contribute to the objectives of promoting and securing sustainable modes of travel and transport, be at locations where it will encourage and allow for efficient, safe and accessible means of transport.

In addition, Local Plan Policy TC2 Accessibility of New Development requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

There are no facilities within Ebford to meet many of the everyday needs of local residents, and the reliance on car travel to access essential services from the application site would put the proposal in conflict with the above local plan policies.

However, a further material consideration is a recent appeal decision relating to the Council's refusal of planning permission for two dwellings at Land at Branscombe Farm, Ebford Lane, appeal reference APP/U1105/W/24/3347347. Although the appeal was not allowed, the Inspector concluded that the site within Ebford occupied a sustainable location. Branscombe Farm lies approximately 180 metres south east of the application site, and is accessed off Ebford Lane.

In that appeal, the Inspector made the following comments:

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

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

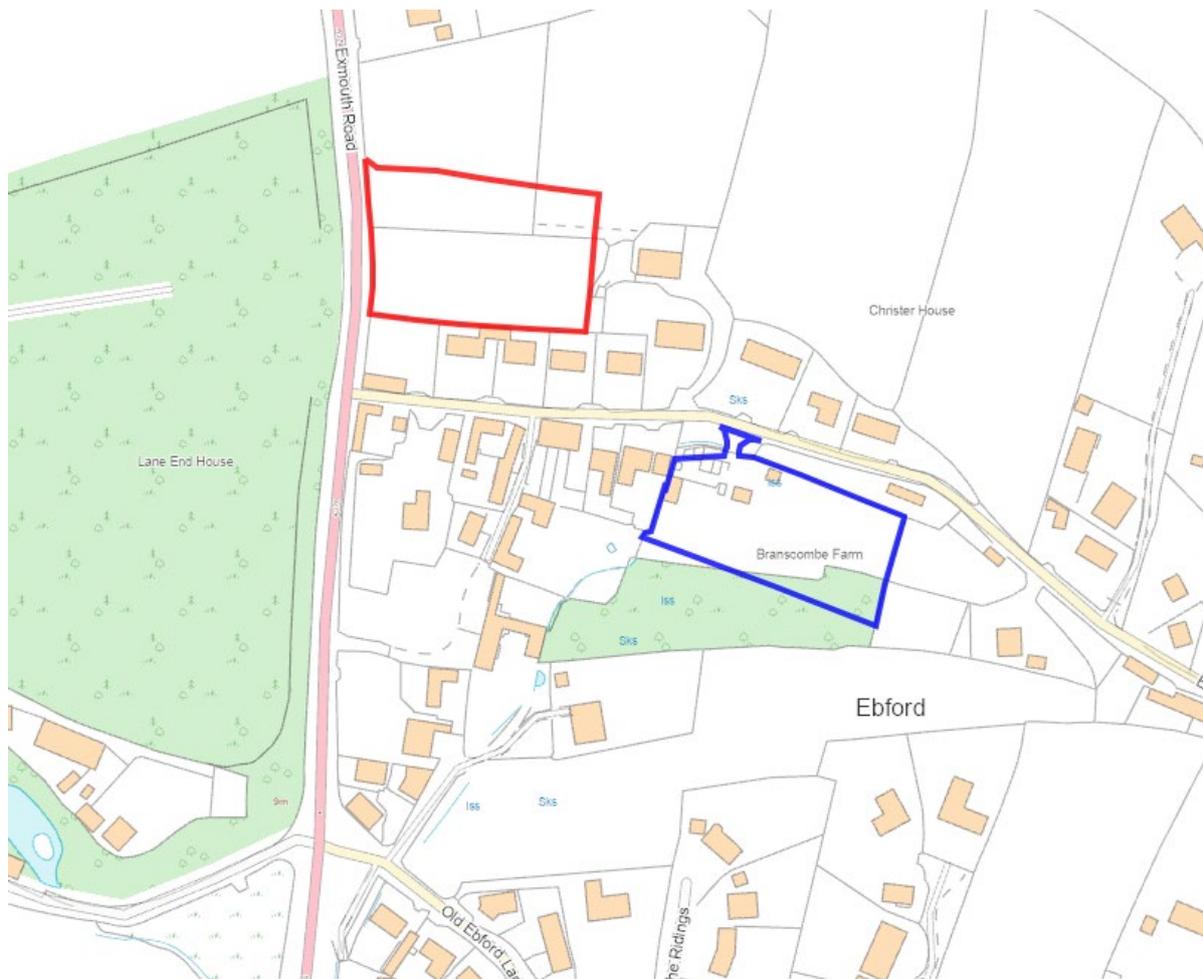
*9. In contrast to Ebford Lane, the A376 is a busy, heavily trafficked route. It is however served by footpaths on both sides and is lit. Whilst the route is not necessarily flat or straight and the footpaths are relatively narrow at points, I do not consider it to be of such a constraint as to deter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

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

*11. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited, with paragraph 110 of the Framework recognising that opportunities to maximise sustainable travel choices will be different between rural and urban areas. Consequently, despite the countryside location of the appeal site, given the alternative options available, along with access to public transport, I do not find the appeal site to be so poorly located in terms of travel patterns and choices. Moreover, whilst I find that an increase in travel by private car would be a likely*

*inevitable consequence of the proposal, given the limited size of the development, the likely trip generation is unlikely to have a notable impact on the level of traffic using the lane or road safety.*

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



Above: Application site outlined in red and appeal site outlined in blue

Access to public transport from the application site lies at a similar distance to the appeal site at Branscombe Farm. Future occupants of the dwellings in this application would be nearer to the services and facilities to the north than at the appeal site. It is acknowledged that the footpaths around the site are very narrow and not an attractive prospect for walking, and the potential for improvements are discussed later in the report. However on the basis of the nearby appeal history it is not considered that it would be justified to reach a different conclusion from that of the Inspector that the site lies within a sustainable location in relation to access to services.

As such the proposal is considered to comply with Local Plan Strategy 3, Strategy 5b and Policy TC2.

## **Landscape impacts**

The application site occupies the southern portion of a large field to the western edge of the A376. The southern boundary of the site consists of a mixture of post and wire fence, close boarded fence, devon banks and hedges and a number of trees. The roadside boundary comprises a hedgebank to the rear of the pavement.

The East Devon and Blackdown Hills Landscape Character Assessment 2019 places the site within Landscape Character Type (LCT) 3E. 'Lowland plains'. The area comprises the gently sloping/ undulating land which surrounds the valley floors. This is a medium-large scale settled landscape, with villages and farms displaying a variety of building materials, ages and styles. The Landscape Guidelines for the LCT seek to protect the strongly rural character which survives in parts of this LCT. The guidelines seek to prevent linear spread of development along roads where possible.

The site is rural but has been somewhat degraded by streetlighting along the A376. The application site is bisected by overhead cables and the over-wide access track created into the site has also given rise to further erosion of the rural character. It is acknowledged that the proposal is not infill development and would lead to expansion of the settlement into the countryside. However the woodland to the west of the site screens views of the site from the Exe Estuary. Upon the approach to Ebford, the site is afforded some screening by the roadside hedge, albeit the central portion of which has been removed to allow for the new access. In terms of the site topography, the application site occupies the lowest portion of the field, with the land rising up to a high point to the north east of the field, approximately 80 metres north of the application site boundary. As such it is not considered that the landscape impacts would be so adverse that a recommendation of refusal could be substantiated.

The site is not within the Coastal Preservation Area and the proposal would not damage the undeveloped/open status of the designated area as a result of the screening provided by the woodland to the west of the site. The application site occupies a low lying portion of the field that is well screened in views by the site topography and by woodland, and would read as a small extension to the built form of the existing village. As such the application as presented does not present concerns in respect of settlement coalescence. However there are concerns regarding the potential for future development to the north of the site to give rise to adverse impacts in respect of settlement coalescence. Development to the north of the application site would not be afforded screening by the woodland to the west and would be set higher than the adjacent A376, meaning the site would be visible from roads at some distance to the site. Any future development to the north would also mean there would be no clear break in built development between the settlements of Ebford and Clyst St George and could result in the two settlements merging both physically and visually leading to loss of settlement identity and eroding the rural setting and landscape character.

In respect of the application as submitted however, subject to the inclusion of appropriate boundary treatments and landscaping at technical details consent stage,

it is considered that it would be possible for a proposal to come forward which would respect the rural character of the site and follows the landscape guidelines.

### **Flood risk**

The site is within Flood Zone 1 and therefore at a low risk of flooding. The site is also not at risk of surface water flooding in accordance with the Environment Agency Flood Map for Planning.

As such there are no concerns in respect of flooding. Any application coming forward to Technical Details Consent Stage would be required to demonstrate that the surface water run-off implications of the proposal have been fully considered and would not lead to an increased risk of flooding elsewhere.

### **Heritage**

Ebford contains a number of listed buildings. Those buildings closest to the site are Grade II listed 1 & 2 Ebford Barton, just over 100 metres south of the site, Grade II listed Ebford House, approximately 185 metres south of the site and Grade II listed Rose Cottage, approximately 150 metres south east of the site.

Ebford Barton and Ebford Court are both accessed via a private lane running south from Ebford Lane. The site topography slopes down gently from the application site to Ebford Barton and Ebford Court. The topography of the site, intervening buildings between the application site and the orientation of the private lane between Ebford Barton and Ebford Court means there is no intervisibility between these listed buildings and the application site.

Likewise there is no intervisibility between Rose Cottage and the site. As such it is not considered that the proposal would impact upon contribution made to the setting of nearby listed buildings.

In terms of below ground heritage, Devon Historic Environment Team have confirmed that the proposed development lies in an area of archaeological potential with regard to known prehistoric or Roman activity in the immediate vicinity. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Roman activity in the wider landscape.

Should consent be granted, any subsequent application for grant of technical details consent should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the potential loss of heritage assets with archaeological interest.

Conditions cannot be imposed upon a grant of Permission in Principle and any conditions relating to archaeological investigation and recording would be considered at technical details consent stage.

In respect of the Permission in Principle application, the proposal would comply with Local Plan Policy EN8 and EN9.

## **Trees**

There are a number of existing trees along the site boundaries. Any detailed planning application coming forward must be based on a full BS5837:2012 survey including tree constraints plan and arboricultural impact assessment.

## **Highways Impacts**

DCC Highways have commented that the visibility splay submitted with the application has been brought out to the centre of the carriageway, rather than the edge of the carriageway. However, they confirm that visibility is acceptable in both an easterly and westerly direction.

Highways do raise concerns about pedestrian safety and have suggested the provision of an internal footway along the frontage of the development, possibly behind the existing hedgerow, to improve provision for sustainable travel from the site.

This would be a matter to be resolved at technical details consent stage.

## Amount of Development

The application seeks permission in principle for up to five dwellings on the site. No illustrative site plan has been submitted with the application, however the resulting density of development would be commensurate with development immediately to the south of the site along Ebford Lane. The site would likely be capable of accommodating the proposed dwellings with sufficient separation distances between existing dwellings to the south of the site. It is therefore considered that the proposal would not lead to any adverse impacts to the residential amenity of any of the nearby existing dwellings or to that of future residents of the proposed dwellings.

## Appropriate Assessment

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

### Other matters

The PPG states that it is not possible for conditions be attached to a grant of PIP and also that its terms may only include the site location and the type and amount of development. It also states that these must be specified, advising that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted. The PPG also advises that the default duration of a PIP, where granted by application, is 3 years. Any subsequent application for TDC must be determined within this time period. At technical consent stage, the detailed design matters must be fully acceptable before any planning approval may be granted.

### Planning Balance

While the site lies outside of any Built up Area Boundary and would represent an outward expansion of Ebford into the countryside, the landscape and heritage assessments indicate that the development could be accommodated without resulting in unacceptable harm, subject to suitable boundary treatments and landscaping.

Although facilities within Ebford are limited, a nearby recent appeal decision stated that Ebford lies within a sustainable location in relation to access to services, which is a material consideration in support of the proposal.

The amount of development proposed is considered appropriate and would be capable of being delivered without causing undue impacts to neighbouring residential amenity. Matters relating to highways design, pedestrian improvements, drainage, ecology, and tree protection will all require full consideration at the subsequent TDC stage.

Applying the presumption in favour of sustainable development there are no adverse impacts that would significantly and demonstrably outweigh the benefits of a small increase to East Devon's housing supply. As such, the proposal is considered acceptable in principle.

## **RECOMMENDATION**

That Permission in Principle be granted.

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

200-01 REV B + Location Plan block	16.12.25
---------------------------------------	----------

### List of Background Papers

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

The Historic Environment Team has no in principle objection to the development of the area under consideration. However, the proposed development lies in an area of archaeological potential with regard to known prehistoric or Roman activity in the immediate vicinity. Approximately 130 metres to the west of the site lies a large prehistoric or Roman enclosure that has been identified through aerial photography. Another curvilinear enclosure is located approximately 180 metres to the north of the proposed development which has also been identified through aerial photography. Other enclosures and funerary monuments are recorded in the wider landscape within the Historic Environment Record, as well as occasional findspots of prehistoric and Roman artefacts. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Roman activity in the wider landscape.

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

If a Written Scheme of Investigation is not submitted with any subsequent application for grant of technical details consent the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority

may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

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

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

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

'The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of trial trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

### County Highway Authority

#### Observations:

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

The development can produce an access with acceptable visibility in both the east and west direction, however the visibility splay plan has been produced with the visibility splay brought out to the centre of the carriageway, however it needs to be taken to the edge of the carriageway, from both directions.

We do not count the streetlight column as a visibility obstruction, due to the slim-line nature.

I am also concerned about the sustainable travel and pedestrian safety, once this development has commenced. The existing footway is quite narrow leading north to the bus stop, public house and facilities of Darts Farm. The planning statement needs to outline how this site can safely facilitate for this pedestrian desire line, viably this could be an internal footway provision for the frontage of the development.

#### Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL WITHOUT FURTHER INFORMATION.

### Environmental Health

I have considered the application and have no Environmental Health concerns in permission in principle for the development.

## **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.

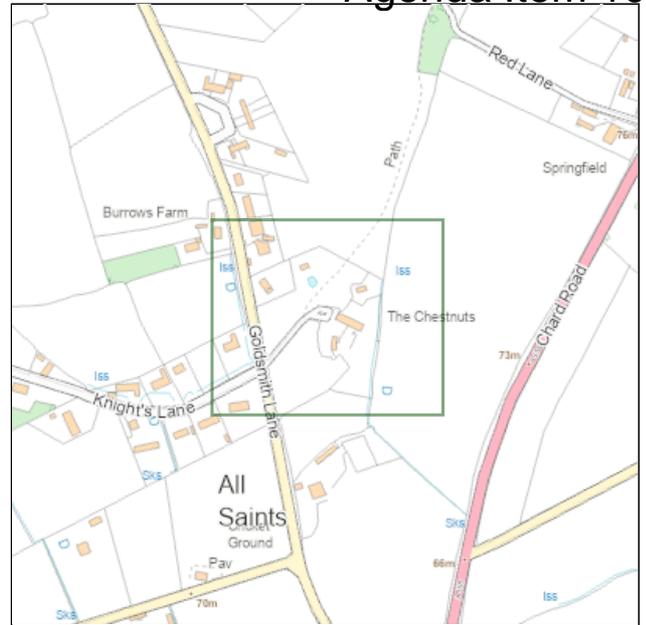
**Ward** Yarty

**Reference** 23/2663/FUL

**Applicant** Mr and Mrs Raggio

**Location** Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU

**Proposal** Demolition of cottage and erection of new dwelling



**RECOMMENDATION: Adopt the Appropriate Assessment and Approve with conditions subject to a S106 agreement to secure a foul drainage upgrade**



		<b>Committee Date: 24.03.2026</b>
<b>Yarty (All Saints)</b>	<b>23/2663/FUL</b>	<b>Target Date: 13.02.2024</b>
<b>Applicant:</b>	<b>Mr and Mrs Raggio</b>	
<b>Location:</b>	<b>Lily Cottage Goldsmith Lane</b>	
<b>Proposal:</b>	<b>Demolition of cottage and erection of new dwelling</b>	

**RECOMMENDATION: Adopt the Appropriate Assessment and Approve with conditions subject to a S106 agreement to secure a foul drainage upgrade**

### **EXECUTIVE SUMMARY**

**This application is before the committee because it is a departure from the development plan. It seeks full planning permission for the demolition of the remains of the former Lily Cottage and construction of a new dwelling on land at Goldsmiths Lane, All Saints. A previous proposal on the site was refused and subsequently dismissed at appeal, primarily due to excessive scale, dominance and inadequate integration with neighbouring cottages. The current submission has been expressly prepared in response to that decision.**

**The revised design retains the Inspector-praised sinuous cob-and-thatch concept but significantly reduces height, width and footprint, and incorporates a bespoke eaves-line photovoltaic system that integrates modern technology with traditional materials. The Council's Urban Designer considers the revised scheme to be an attractive, well-proportioned and contextually sensitive addition.**

**Although the site lies in the countryside and the proposal conflicts with Strategy 7 and with Strategy 5B/Policy TC2 relating to sustainable travel, the Council's housing land supply position engages the tilted balance under NPPF paragraph 11(d). The dwelling demonstrates clear innovation in materials and construction and achieves very high sustainability performance, including zero-carbon operation. These attributes attract significant positive weight under NPPF paragraph 139(b).**

**Technical matters, including ecology, drainage, trees and nutrient neutrality, can be appropriately managed through conditions and a Section 106 agreement securing off-site phosphorus mitigation.**

**In the overall planning balance, the limited harm arising from reliance on the private car does not significantly and demonstrably outweigh the substantial**

**benefits of delivering an innovative, highly sustainable and contextually sensitive dwelling that resolves the issues identified at appeal. The proposal therefore represents sustainable development when assessed against the NPPF as a whole, and approval is recommended subject to conditions and completion of the Section 106 agreement.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

All Saints Parish Council do not support the application.

The proposed development is on the footprint of a cottage that was replaced by a property known as Poppins and should be treated as a new development.

The proposed development is outside the Defined Settlement Boundary in the East Devon Local Plan 2013-2031.

The proposed development is within the river Axe catchment area which does not allow any new property to increase the phosphate discharge into the river Axe. The Nutrient Neutrality document in the planning application appears to refer to a property "Greenhayes" in certain pages and requires close examination by a competent person.

The proposed development is lower in height and smaller than the development refused at appeal in May 2022, but it is still many times the footprint of the original cottage and larger than the other properties in the vicinity.

This application has been registered many times since 1981 and has been refused each time.

All Saints Parish Council do not support the application as there are no changes to our previous submissions concerning this application.

The proposed development is outside the Defined Settlement Boundary in the East Devon Local Plan 2013-2031.

The proposed development is lower in height and smaller than the development refused at appeal in May 2022, but it is still many times the footprint of the original cottage and larger than the other properties in the vicinity.

We would appreciate clarification from the Planning Team that this application is a new build.

#### Other Representations

Four representations have been received, three objecting to the proposal. One letter expresses support. The main issues raised are summarised below.

#### 1. Principle of Development / Policy Compliance

Many objectors argue that:

- The site lies outside the Defined Settlement Boundary and is therefore treated as open countryside, where new dwellings are contrary to policy.
- The original cottage on the site was replaced by “Poppins” some years ago, meaning the current site should not be considered previously developed land or eligible for a replacement dwelling.
- Approval would risk setting a precedent for further development of open countryside sites.

Some objectors also contend that the proposal does not meet the high bar of NPPF paragraph 84 or 139, including that the design is not exceptional, does not significantly enhance its setting, and does not raise rural design standards.

## 2. Design, Scale and Appearance

Several detailed objections raise significant concerns regarding design quality, including:

- The dwelling is said to remain substantially larger than the former cottage and out of scale with nearby dwellings.
- The design is considered intrusive, ostentatious, and alien to the local character.
- Use of cob, thatch, copper and curved glazing is criticised as impractical, unsustainable or incompatible with the proposed form.
- Concerns are raised regarding structural feasibility, fire precautions for thatch, detailing of the copper ridge, roof construction, the absence of a roof plan, and questions over the viability/cost of specialist glazing.
- Internal layout concerns include poor relationship with outdoor spaces, suboptimal daylighting, and unresolved structural issues.

One representation, however, supports the design, stating it is low-impact, uses natural materials, and would blend well into the landscape while incorporating modern sustainable technologies.

## 3. Impact on Neighbouring Amenity

Objectors raise concerns regarding:

- Overlooking and loss of privacy, echoing issues identified in earlier appeal decisions.
- Noise impacts associated with occupation, vehicle movements and construction activities.
- The position of external areas and turning spaces close to neighbouring properties.

## 4. Landscape and Visual Impact

Representations argue that:

- The development would harm the rural landscape and character of the area.
- Proposed landscaping is minimal and inadequate, with no substantive screening or meaningful planting proposals.
- Lack of detail on replacement planting for a nearby ash tree understood to be declining.

## 5. Ecology and River Axe SAC

Concerns include:

- Potential disturbance to local wildlife, including deer, bats, owls, buzzards and rabbits.
- Lack of clarity regarding mitigation for impacts within the River Axe SAC catchment.
- Risks associated with the proposed water treatment plant, including maintenance responsibilities and potential pollution.

## 6. Drainage, Services and Sustainability Technology

Objectors note:

- Insufficient detail about the proposed ground-source heat pump (closed loop vs borehole, discharge arrangements, feasibility within site area).
- Possible conflict between the heat pump ground loops and the proposed orchard.
- Concerns about siting, appearance and maintenance of stand-alone PV panels, including potential for reflection and overshadowing.
- Lack of information on battery storage and energy transmission arrangements.

## 7. Traffic, Access and Parking

Issues raised include:

- The access on plans is unclear or inaccurately drawn.
- The proposed single-track drive may restrict access for delivery vehicles and emergency services.
- The turning circle is said to be too small for anything other than a small car and poorly located adjacent to the main habitable room windows.
- Parking provision is not clearly shown.

## 8. Refuse and Waste Management

Several objectors highlight:

- Residents currently have to deposit bins at the junction with Goldsmiths Lane, some distance away.
- No on-site solution is provided for refuse storage or collection in accordance with EDDC design guidance.

## 9. Other Matters

Other issues raised include:

- Absence of external storage, with concern that future occupants may erect sheds or outbuildings unless restricted.
- Accessibility concerns, including lack of clear paths around the dwelling and areas unsuitable for wheelchair users.
- General concern about construction impacts, including heavy goods traffic.

## **Technical Consultations**

### Natural England

13/11/ 2024

Natural England advises that the proposal lies within a nutrient-sensitive European site catchment and may have significant adverse effects on designated habitats through nutrient pollution. An HRA with full nutrient budget calculations is required, progressing to Appropriate Assessment if impacts cannot be ruled out. Any

mitigation must be clearly justified, secured, monitored, and funded in perpetuity. Natural England warns that, without this information, it may need to object. General guidance is provided on use of SSSI Impact Risk Zones and the option of seeking discretionary advice.

19/02/2025

Natural England accepts the conclusion of the Council's Appropriate Assessment but advises that the reasoning should be strengthened for any future appeal. They note that although the proposal cannot be screened out at the LSE stage, this does not necessarily mean it fails the integrity test.

They express doubts about the practicality and long-term security of using an orchard on a drainage mound for phosphorus mitigation, noting that the method departs from standard calculators and lacks precedent. They highlight that alternative, more conventional mitigation options—such as upgrading existing sewage systems—are available locally.

27/02/2026

Natural England issues no objection, provided specific mitigation is secured. Without mitigation, the development would harm the River Axe SAC and SSSI. Acceptable mitigation comprises:

- installation of a package treatment plant,
- off-site phosphorus mitigation via upgrading the septic tank at Myrtle Farm, and
- securing all measures through a Section 106 agreement.

Natural England confirms that, with these secured measures, it agrees with the Council's Appropriate Assessment, concluding no adverse effect on site integrity. It also reminds the authority to consider wider landscape protections under national policy.

#### EDDC District Ecologist

The site lies within the River Axe SAC catchment and is subject to nutrient neutrality requirements. The initial mitigation strategy proposed an onsite PTP and replacement of an off-site septic tank with a new PTP; however, because the off-site PTP would discharge downstream of the development, it would not provide compliant upstream mitigation. As a result, a Likely Significant Effect (LSE) on the SAC could not be ruled out, leading to an objection.

Following review, the ecologist advised that a drainage mound is acceptable, provided it complies with BS 6297:2007 and is outside flood zones. An orchard used to absorb additional phosphorus may also be acceptable, but only where hydrological connectivity criteria are met and the orchard is positioned downslope of the drainage mound to intercept all runoff. The submitted layout did not meet these requirements, and relocation of the drainage mound was recommended.

A later technical response sought to justify the orchard-based mitigation; however, Natural England's advice indicates orchards are unsuitable where small-scale hydrological thresholds are not met, such as close to ditches or where groundwater is high. Without comparable approved schemes or Natural England's endorsement,

there remains insufficient certainty that the proposed mitigation would be HRA-compliant, and an LSE cannot be ruled out.

### EDDC Trees

From the documents provided by the applicant and available aerial images it can be seen that there are a number of established trees on site which are likely to act as constraints. However, it is considered likely that in principle development is possible but supporting arboricultural information is required to establish that development is feasible without being detrimental to the existing tree stock. Therefore a full arboricultural survey based on BS5837:2012 is required including tree survey, tree constraints plan, arboricultural method statement, tree protection details.

### EDDC Landscape Architect

The site lies just outside the Blackdown Hills National Landscape, containing mature trees and bounded by hedgerows, with limited wider visibility. Owing to the modest scale of the proposal and its secluded, level setting, landscape and visual impacts are expected to be limited.

However, a BS 5837 tree survey has not been submitted, despite existing mature trees being affected. The proposed driveway would pass through the root protection area of a tree on the southeastern boundary, and the building's northern elevation would encroach into the RPA of a northern boundary tree, potentially causing root damage and future tree–building conflict. These impacts could be avoided by shifting the building footprint southward.

A full BS 5837 survey, arboricultural impact assessment, tree protection plan and method statements are required before determination. Subject to resolving these matters, the development is likely to be acceptable in landscape and visual terms.

### Urban Designer

25/01/2024

The Urban Designer notes that the application is a revised version of a previously refused and dismissed scheme, with the new proposal aiming to address earlier concerns while retaining the distinctive cob-and-thatch design concept. The wider context of All Saints and Smallridge is described as varied and largely incoherent, with no consistent architectural style, though nearby historic cob and thatched cottages offer some relevant precedent.

The revised design keeps the sinuous plan form but is significantly reduced in scale, with a narrower footprint and lower ridge height that now sit more comfortably alongside neighbouring properties. The proposed use of cob from the site, straw bale insulation and thatch is considered contextually appropriate. Leaving the cob walls unfinished could be visually successful, though the Designer warns this may ultimately require limewash protection.

The curved thatched roof is seen as sympathetic, but the copper ridge is identified as a technical and aesthetic departure that may be unnecessary. The repositioning of the solar panels from the roof to the garden is not regarded as satisfactory; the Designer encourages reconsideration of how PV panels might be integrated into the roofscape more coherently.

While the external form is now judged to blend well with its surroundings, the Designer raises concerns about the internal layout. The revised plan replaces the former flowing, sculptural internal spaces with more conventional straight-lined partitions, resulting in a loss of the spatial qualities and inside–outside relationships that previously contributed to the building’s design strength. This change is seen as diminishing the building’s potential to demonstrate the “joy” and innovation expected of a design seeking to meet NPPF paragraph 139 tests.

Remaining technical uncertainties include potential increases in wall thickness and ridge height once structural details are finalised, and the likely need for external protection of the cob.

In conclusion, the Designer considers the external envelope to be successful, with scale, massing and materials now appropriate. However, the internal layout no longer matches the expressive external design. The proposal is described as “good but unresolved”, needing the return of the design quality and coherence evident in the earlier scheme to fully achieve excellence and innovation.

02/12/2024

The Urban Designer notes that the revised drawings introduce a new and much improved approach to integrating solar PV. Earlier schemes either placed the panels in the garden or used a large rectangular BIPV block on the roof, both of which were visually unsuccessful. The latest design instead arranges the panels in a linear band around the south-facing eaves, using a mix of standard and bespoke trapezoidal panels set into a copper backing tray. This allows the array to follow the curved thatched roof without gaps or jarring contrasts.

The copper tray is judged an appropriate technical solution, as standard plastic trays would not bend to the roof’s curves and would risk failure. Copper is also lighter and at least as durable as lead, and supports future panel replacement.

The Designer considers the relocation of the PVs back onto the roof a significant improvement, avoiding the haphazard appearance of the previous ground-mounted array and the harsh rectangular form of the earlier roof-integrated version. The new arrangement allows the panels to read as an integral, well-resolved part of the building, complementing rather than disrupting the curved thatch.

Overall, the revised design is regarded as successful, sensitive and technically coherent, achieving a positive balance between natural materials and contemporary technology. The dwelling is described as an attractive and contextually appropriate addition, with no urban design concerns arising from the revised scheme. The proposal is therefore supported and recommended for approval from a design perspective.

### 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.

### South West Water

South West Water advises that a 3-inch public water main runs near the site; no development is permitted within 3 m, and any encroachment will require the applicant to fund a diversion. Applicants are directed to South West Water for mapping, guidance and confirmation of the main's exact location.

For surface water, the applicant must follow the Run-off Destination Hierarchy; the proposed discharge to a surface water body is acceptable.

South West Water can provide both potable water and foul sewer connections from existing networks, with connection points dependent on pipe sizes. Applicants may apply for formal confirmation through the provider's pre-development services.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/0078/FUL	Demolition of former cottage and construction of new dwelling.	Refusal  Appeal Dismissed	12.06.2019  22.06.2022
15/0032/FUL	Restoration/conversion of building (former dwelling) to create a dwelling	Refusal	21.04.2015
14/0253/FUL	Construction of new dwelling on site of former dwelling	Refusal	13.03.2014
13/2037/FUL	Construction of new dwelling on site of former dwelling	Withdrawn	11.11.2013
92/P1672	Dwelling & Detached Garage	Refusal	24.11.1992
91/P1528	Dwelling On Site Of Existing Cottage	Refusal	05.11.1991

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) 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  
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

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

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft  
Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft  
Strategic Policy AR01 (Flooding) Draft  
Strategic Policy AR02 (Water efficiency) Draft  
Policy HN05 (Self-build and custom build housing) Draft  
Strategic Policy DS01 (Design and local distinctiveness) Draft  
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)  
Draft  
Policy TR04 (Parking standards) Draft  
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) 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)  
National Planning Practice Guidance

#### Site Location and Description

The application site comprises an irregularly shaped parcel of approximately 0.3ha on the east side of Goldsmiths Lane, forming part of the dispersed rural settlement of All Saints. The site contains the ivy-clad ruins of the former Lily Cottage, historically a two-storey cob building which has long since collapsed and is no longer capable of reoccupation. The field within which the ruins sit is enclosed by hedgerows to the north-east, trees to the east, and a younger hedge adjacent to a public footpath running along the western boundary.

To the immediate south lie The Chestnuts and Chestnut Cottage, modest semi-detached cottages occupying slightly smaller plots. These are situated on land slightly lower than the application site. The surrounding settlement pattern comprises a low-density mixture of cottages, post-war dwellings, bungalows and more recent infill houses arranged loosely along Goldsmiths Lane and Knights Lane.

The site is visually contained, with only filtered views available from the public footpath and from parts of Goldsmiths Lane. The site is not within a designated landscape, although the Blackdown Hills National Landscape lies to the west.

All Saints benefits from limited services, but several facilities, including a primary school, church, village hall and pre-school, lie within walking distance in Smallridge to the west, with a bus stop providing services to Axminster and Chard approximately 400m away.

## Background

A previous proposal for a dwelling on this site (ref. 19/0078/FUL) was refused by the Council and subsequently dismissed at appeal in June 2022. The Inspector acknowledged the architectural quality, innovation and sustainability of the design but concluded that its scale and massing resulted in an unacceptable relationship with neighbouring cottages and insufficient sensitivity to the defining characteristics of the local landscape. The current application has been expressly prepared in response to that decision, retaining the positively reviewed design concept while seeking to address the Inspector's concerns through reductions in height, width and footprint, and also addressing nutrient neutrality requirements.

## ANALYSIS

### Principle of Development

The site lies outside any Built-up Area Boundary and is therefore classified as open countryside for the purposes of Strategy 7 of the East Devon Local Plan, where new residential development is strictly controlled unless justified by a specific policy exception. The proposal does not fall within any such exception, including Policy H6 relating to replacement dwellings, as all parties agree that the former dwelling on the site was abandoned long ago. The proposal therefore conflicts with Strategy 7 in principle.

The development also conflicts with Strategy 5B and Policy TC2, which seek to promote sustainable travel by prioritising walking, cycling and public transport. All Saints forms a small rural cluster of dwellings with some functional connection to nearby Smallridge, which contains a primary school, church and village hall. The previous appeal established that the site is not isolated in national policy terms, as it lies adjacent to existing built form. Nevertheless, the limited availability of public transport and wider services means that future occupants would remain largely reliant on the private car for most day-to-day journeys.

Despite these conflicts, the Council is currently only able to demonstrate a 3.5-year housing land supply. As a result, the most important policies for determining residential development are considered out-of-date and the "tilted balance" in paragraph 11(d) of the National Planning Policy Framework is engaged. Under this approach, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this context, a single dwelling may be acceptable in principle, subject to careful consideration of design, landscape, amenity and environmental impacts, including accessibility.

In assessing the proposal, it is therefore necessary to have particular regard to the design policies of the NPPF, including paragraphs 84 and 139. Paragraph 84 concerns development in rural areas and allows for isolated homes only in very limited circumstances, including where the design is of exceptional quality. As this site is not isolated, paragraph 84 is not determinative. Paragraph 139, however, applies to both isolated and non-isolated proposals and states that significant weight should be given to designs that are outstanding or innovative, promote high levels of sustainability, and fit with the overall form and layout of their surroundings. Where these criteria are met, paragraph 139 provides a basis for supporting high-quality, landscape-sensitive housing.

## Design

### *Inspector's Previous Concerns*

The 2019 scheme (dismissed at appeal in June 2022) was previously criticised for its scale, height and dominance, resulting in an imposing relationship with The Chestnuts and Chestnut Cottage. Although the Inspector acknowledged the architectural quality and innovation of the former proposal, she concluded that its massing failed to assimilate into its immediate setting and was insufficiently sensitive to the defining landscape characteristics.

### *The Revised Proposal*

The revised scheme has been expressly designed to address those findings while retaining the design principles that were previously praised. It maintains the distinctive sinuous cob-and-thatch concept, but now incorporates substantial reductions in footprint, width, and depth, and lowers the maximum ridge height by approximately 1.7m. The total building length has been reduced by around 4.9m, and revised earthworks (using site-won material in the cob construction) allow for subtle changes in finished floor levels, further reducing perceived massing. The Design & Access Statement confirms a 37.5% reduction in usable floor area and a narrowing of the plan form, supported by re-engineering of the roof structure through a trussed arrangement that reflects traditional cottage construction.

The solar PV strategy has also evolved significantly. Whereas the dismissed appeal incorporated a visually assertive rectilinear array, the latest design includes a bespoke curved eaves-line PV system that follows the roof's sinuous geometry.

### *Urban Design Advice and Assessment*

The Council's Urban Designer reviewed the proposal in detail and confirms that the revised scale, massing and form now respond appropriately to the site and overcome the concerns raised at appeal. The narrower footprint, lowered ridge, and softened roof profile ensure the building no longer appears dominant in relation to The Chestnuts and Chestnut Cottage, sitting more comfortably within the dispersed rural pattern of All Saints.

The use of cob, straw bale insulation, lime finishes and thatch is considered contextually sympathetic, reflecting local vernacular materials without resorting to pastiche. Although the sinuous plan is distinctive, its gentle curves are compatible with the organic qualities of cob and thatch and avoid an overtly modern or intrusive appearance. The Urban Designer notes that a limewashed external finish may ultimately be necessary for protection, but this would not undermine the building's integration into its setting.

A key improvement is the revised eaves-line PV solar array, which replaces the previously criticised rectangular roof array and the later ground-mounted solution. The new approach uses bespoke trapezoidal panels and a copper backing tray to follow the curved roof edge, producing a visually coherent and technically robust integration of renewable technology within a traditional thatched form. The Urban Designer considers this an elegant and convincing resolution to a complex design challenge.

Although earlier comments highlighted that the internal layout had lost some of the sculptural qualities of the previous scheme, the external envelope, material strategy and technological integration are now regarded as successful and well-resolved. In its current form, the proposal is described as an attractive and sensitive addition, offering a distinctive, well-crafted building that enhances local character and demonstrates credible innovation aligned with NPPF paragraph 139, Strategy 48 of the Local Plan and Policy D1.

### *Landscape and Visual Impact*

The site lies just outside the Blackdown Hills National Landscape and is enclosed by existing hedgerows and mature trees. While the proposed dwelling would be visible from the public footpath and from Goldsmiths Lane, its reduced massing, use of natural materials, and subdued curved roofline mean it would sit comfortably within the existing cluster of buildings. As a result, it would not appear intrusive or isolated in wider views.

The sinuous building form and thatched roof further soften its visual presence and assist in integrating the dwelling into the surrounding landscape. The Council's Landscape Architect advises that, overall, the proposal is acceptable in landscape and visual terms. It is therefore considered to comply with Strategy 7 and Policy D1 in respect of landscape character, and with Strategy 46 regarding the setting of the National Landscape.

### *Sustainability and Energy as an Integral Component of the Design*

The environmental performance of the revised proposal forms a core part of the design concept and materially contributes to its assessment under NPPF paragraph 139(b). The DAS provides detailed SAP outputs confirming A-rated performance, significantly outperforming Building Regulations Part L requirements. The dwelling incorporates:

- a ground-source heat pump (GSHP),
- mechanical ventilation with heat recovery (MVHR),
- 7.5 kWp of photovoltaic panels integrated into the eaves line,

- 13.5 kWh battery storage, and
- a breathable bio-based fabric consisting of cob, straw bale insulation and wood fibre.

These measures collectively deliver zero-carbon operational performance, and the use of bio-based materials further reduces embodied carbon while enabling the sculptural, vernacular-referencing form. The holistic sustainability strategy goes beyond compliance and forms a fundamental part of the building's identity.

Crucially, the revised scheme does not treat sustainability as an add-on, but demonstrates a clear design logic in which the choice of materials, form, energy strategy and construction methods work together to achieve a genuinely innovative, highly sustainable rural dwelling.

### *Conclusion on Compliance with NPPF Paragraph 139(b)*

Paragraph 139(b) of the NPPF requires significant weight to be given to proposals that:

1. are outstanding or innovative,
2. promote high levels of sustainability, and
3. fit with the overall form and layout of their surroundings.

In the Great Halls, Aylesbeare appeal<sup>1</sup>, which was reported to Members in August 2025 (see Appendix 1), the Inspector confirmed that where all three elements are met, the benefits can outweigh conflict with Strategy 7 and accessibility-related policies, and can justify approval of rural dwellings outside settlement boundaries.

In this case:

- The dwelling is innovative in both architectural form and construction methodology, combining sinuous cob walls, straw bale insulation and thatch in a contemporary reinterpretation of Devon vernacular.
- It achieves very high levels of sustainability, evidenced by its SAP A-rating, zero-carbon performance, GSHP, MVHR, integrated PV, battery storage and bio-based fabric.
- The revised scale, massing and layout enable the dwelling to fit comfortably within the established pattern of development, addressing the Inspector's previous concerns.
- The integration of renewable energy technology within a curved thatched roof represents a rare and genuinely distinctive design solution.

Taken together, the proposal demonstrates full adherence to the criteria of paragraph 139(b). It represents an outstanding, innovative and highly sustainable design that fits with its surroundings and responds directly and positively to the Inspector's earlier findings. Accordingly, significant weight can be given to the design and sustainability credentials in the overall planning balance.

While the proposal is considered to meet the criteria of NPPF paragraph 139(b) and therefore attracts significant positive weight, it is nevertheless only one component of

---

<sup>1</sup> Appeal Ref: APP/U1105/W/24/3353886, Allowed 22/07/2025

the overall planning judgement. Paragraph 139 does not operate as an alternative route to approval in its own right, nor does it displace the primacy of the development plan or the tilted balance required by paragraph 11(d). Instead, the outstanding design quality and high level of sustainability identified above form important material considerations to be weighed, alongside all other benefits and harms, in reaching the overall decision. These design-related benefits will therefore be taken forward into the planning balance, where they are given significant weight but are not determinative in isolation.

### Neighbouring Amenity

Separation to The Chestnuts/Chestnut Cottage is about 28m, aided by intervening hedging. The earlier concerns related to dominance from roof mass rather than overlooking; with the ridge reduced by about 1.7m and the visually dominant PV block removed from the roof plane, the oppressive relationship is resolved. No harmful overlooking, overshadowing or loss of privacy is anticipated. The proposal therefore complies with Policy D1 as it relates to residential amenity. In addition, the internal space comfortably exceeds the Nationally Described Space Standard for a 2-bed, 4-person two storey dwelling.

### Nutrient Neutrality / Habitats Regulations Assessment

The previous appeal turned, in part, on uncertainty over phosphate impacts to the River Axe SAC. Over the course of this application, a number of on- and off-site solutions were considered and found to fall short of the technical requirements. However, the application is now supported by a Nutrient Neutrality Assessment and a strategy to secure off-site mitigation via upgrade of an existing septic tank/treatment plant within the catchment, to be delivered through a Section 106 agreement. An Appropriate Assessment drafted on this basis has been accepted by Natural England.

Subject to completion of the S106, a Likely Significant Effect can be ruled out and the proposal accords with Strategy 47 and Policy EN19.

### Other Matters

Highway Safety and Access - The existing access from Goldsmiths Lane will be reused to serve one additional dwelling. The lane serves a very small number of dwellings and the highway authority has made no comment. On-site parking/turning can be accommodated to ensure vehicles enter and exit in forward gear. The proposal accords with Policies TC7 and TC9.

Trees - The site contains several mature boundary trees that contribute positively to local character. While both the Tree Officer and Landscape Architect highlight the need for BS5837 information, neither identifies any fundamental conflict between the proposed layout and the existing tree cover, and both confirm that development is achievable in principle. As the outstanding matters relate to construction methods rather than the siting or acceptability of the scheme, it is considered proportionate to secure a BS5837-compliant method statement and tree protection plan by

pre-commencement condition. Subject to this, the proposal is acceptable in arboricultural terms and compatible with Policy D3.

Ecology - An updated Extended Phase 1 Habitat Survey (2023) confirms that the site comprises rank neutral grassland, established native hedgerows and the remains of the former cottage, with no invasive species recorded. The building was assessed as having low bat roost potential, with emergence surveys in 2018 and 2023 confirming no roosts present; boundary vegetation supports low-level foraging by common bat species. The hedgerows offer potential dormouse habitat, and the grassland may support reptiles, but impacts are assessed as negligible due to the small scale of development and the retention of boundary features. Standard measures relating to vegetation clearance, lighting control and precautionary working practices are sufficient. Subject to these, the proposal raises no overriding ecological constraints and complies with Policy EN5.

Drainage - Surface water drainage is proposed via soakaway, with no consultee objection. This aligns with Policy EN22.

## **PLANNING BALANCE AND CONCLUSION**

The tilted balance in NPPF paragraph 11(d) is engaged due to the Council's current housing land supply position. In circumstances where relevant policies are out-of-date, paragraph 11(d) requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. In applying this balance, appropriate weight must still be given to policies that seek to direct development to sustainable locations.

In this case, the proposal conflicts with Strategy 5B and Policy TC2 of the Local Plan, as the site offers limited opportunities for travel other than by private car. This weighs against the scheme.

However, the principal harms identified in the previous appeal relating to dominance, scale and insufficient contextual sensitivity have been resolved. The Council's Urban Designer confirms that the revised dwelling now sits comfortably within its setting, responds positively to neighbouring properties, and achieves a high standard of design that is contextually appropriate.

In weighing benefits, the proposal's design quality and sustainability credentials attract significant positive weight. Paragraph 139(b) of the NPPF states that significant weight should be given to designs that are outstanding or innovative, promote high levels of sustainability, and fit with the overall form and layout of their surroundings. In this case:

- the design is innovative in its use of cob, straw-bale insulation, thatch and a bespoke integrated PV eaves detail;
- SAP data demonstrates very high sustainability performance, including zero-carbon operational credentials; and
- the revised massing and softened profile ensure an appropriate fit within the existing rural cluster.

These attributes weigh materially in favour of the proposal and the Aylesbeare appeal illustrates how high-quality, sustainable design can weigh positively when applying the tilted balance under paragraph 11(d).

When considered overall, the harm arising from reliance on the private car is limited and does not significantly or demonstrably outweigh the substantial benefits of delivering a highly sustainable dwelling of exceptional design quality that addresses previous concerns and makes a small but valuable contribution to housing supply.

Accordingly, the proposal represents sustainable development when assessed against the NPPF as a whole. Planning permission should therefore be granted, subject to the conditions set out below and completion of the Section 106 agreement securing the nutrient neutrality mitigation.

### **RECOMMENDATION**

ADOPT the Appropriate Assessment

and

APPROVE subject to the following conditions and a S106 agreement to secure a foul drainage upgrade:

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. (a) Prior to the commencement of any works on site (including demolition and site clearance or tree works),, a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], 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 protection scheme.  
  
(b) No operations shall be 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) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing 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.

(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.)

4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme which shall be implemented in full prior to first occupation of the dwelling.

(Reason - The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

5. Foul drainage shall be dealt with by a package sewage treatment plant, which shall be sited so as not to cause pollution of any watercourse or water sources. Details of this treatment plant, its siting and method of discharge shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details and shall be provided in full prior to first occupation of the dwelling hereby approved and shall be retained and maintained as such for the lifetime of the development.

(Reason - To ensure that foul drainage is managed through a system of adequate capacity and design, and that its installation does not result in pollution of land or watercourses, in accordance with Policy EN19 - Adequacy of Foul Sewers and Sewage Treatment Systems of the Adopted East Devon Local Plan 2013-2031. The details are required prior to commencement to confirm that they fit within the site.)

6. Prior to any construction above slab level, full details and samples (where appropriate) of all external materials shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- (a) cob mix specification and finish;
- (b) straw bale insulation construction details;
- (c) thatch specification, detailing and ridge treatment (including the copper ridge);
- (d) external joinery and glazing systems;
- (e) colours and finishes.

The development shall be carried out strictly in accordance with the approved details.

(Reason - To ensure high quality design in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and to secure the outstanding/innovative qualities described in NPPF paragraph 139.)

7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - 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.)

8. Prior to installation, large scale details (minimum 1:10) of the eaves line integrated photovoltaic system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- (a) panel profiles and bespoke curved/trapezoidal panel geometry;
  - (b) copper backing tray;
  - (c) methods of fixing;
  - (d) ventilation, weathering and waterproofing;
  - (e) junctions with the thatched roof.

The system shall be installed prior to first occupation of the dwelling and retained in accordance with the approved details.

(Reason - To ensure high quality design in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and to secure the outstanding/innovative qualities described in NPPF paragraph 139.)

9. The development shall be carried out strictly in accordance with the recommendations and mitigation measures set out in the Updated Extended Phase 1 Habitat Survey (JG Ecological Surveys Ltd, June 2023). Prior to

occupation, photographic evidence of installed ecological enhancements shall be submitted to the Local Planning Authority.

(Reason - To safeguard wildlife and provide biodiversity gains in accordance with Policy EN5 - Wildlife Habitats and Features of the Adopted East Devon Local Plan 2013-2031.)

10. Prior to first occupation, a written report shall be submitted to and approved in writing by the Local Planning Authority confirming that the sustainability measures identified in the Design & Access Statement (December 2023) have been installed and commissioned. These include:
  - (a) ground source heat pump;
  - (b) mechanical ventilation with heat recovery (MVHR);
  - (c) 7.5 kWp photovoltaic array;
  - (d) 13.5 kWh battery storage;
  - (e) breathable bio based fabric construction (cob, straw bale, wood fibre).The approved measures shall thereafter be retained and maintained for the lifetime of the development.

(Reason - To ensure the dwelling achieves the very high levels of sustainability that form a key component of the planning balance under NPPF paragraph 139.)
  
11. No external lighting shall be installed, including any temporary or security lighting, until a detailed lighting strategy for the site has first been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
  - a) demonstrate compliance with the Bat Conservation Trust and Institute of Lighting Professionals (ILP) Guidance Note 08 (or any subsequent equivalent replacement guidance adopted at the time of submission);
  - b) include full details of the number, location, height, design, luminance levels, light spill contours, hours of operation and control systems of all proposed external lighting; and
  - c) demonstrate how the scheme will avoid illumination of boundary habitats and maintain dark corridors for nocturnal wildlife.External lighting shall thereafter be installed and operated only in accordance with the approved details, and no additional lighting shall be installed without the further written approval of the Local Planning Authority.

(Reason - To protect nocturnal wildlife and maintain the rural character of the area, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)
  
12. Within six months of first occupation, a final SAP calculation and energy performance statement shall be submitted to the Local Planning Authority confirming that the dwelling achieves an "A" rating and performance in line with the design specification.

(Reason - To ensure the dwelling performs as a zero carbon building and delivers the sustainability credentials that form a key component of the planning balance under NPPF paragraph 139.)
  
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no freestanding

outbuildings, sheds, garden structures or other incidental buildings shall be erected within the curtilage without express planning permission.

(Reason - To preserve the uncluttered rural setting and ensure the design quality of the scheme is not eroded in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no enlargement of the dwellinghouse falling within Classes A, B and D of Part 1 of Schedule 2 of the Order shall be carried out without the prior express planning permission of the Local Planning Authority.

(Reason - To preserve the design quality and appearance of the dwelling and to prevent extensions that could detract from its character or impact the surrounding area, in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

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

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemption 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:

E100 REV B	Location Plan	08.12.23
P100 H	Proposed Site Plan	19.12.24
P200 F	Proposed Floor Plans	29.10.24
P300 D	Proposed Elevation	29.10.24
P301 D	Proposed Elevation	29.10.24

List of Background Papers

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

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

### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Equality Act:**

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

## Appendix 1 – Great Halls, Village Way, Aylesbeare appeal decision summary

Ref: 23/2422/FUL

Appeal Ref: 24/00066/REF

Appellant: Mr & Mrs Brinton Appeal

Site: Land to the rear of Great Halls Village Way Aylesbeare

Proposal: Erection of highly sustainable self-build dwelling with associated landscaping and biodiversity enhancements.

Decision: Appeal Allowed (with conditions) Date: 22.07.2025

Procedure: Written representations

Remarks: Delegated refusal, accessibility reasons overruled (EDLP PolicyTC2, Strategies 5B, 7)

The Inspector noted that facilities in Aylesbeare are limited to a single pub, church, playground and village hall and bus services are limited. As such it would be likely that future occupants of the proposed dwelling would meet their day to day needs by using a private car. The proposal would therefore conflict with Policies TC2 and 5B of the LP, which seek to ensure that development proposals minimise the need to travel by car and encourage the use of sustainable modes of transport.

The Inspector found that the proposal would be both outstanding and innovative and it would promote high levels of sustainability and help raise the standard of design more generally in the area. The proposal would not harm the character or appearance of the area, it would be well related to the existing built form in Aylesbeare and would thus contribute to the vitality of an existing community and its existing services. Although services in the village are limited, some do exist and basic options for travel by public transport are available. These factors also modestly weigh in favour of the proposal. Furthermore, there would be the benefit of the delivery of a new dwelling in the context of the Government's ambitions to significantly boost the supply of new housing. Taken together these benefits carry considerable weight.

The Inspector concluded that when considered together the benefits of the proposal are material considerations that are of sufficient weight to outweigh the proposal's conflict with Strategy 7 and Policies TC2 and 5B of the LP.

BVPI 204: Yes Planning Inspectorate Ref: APP/U1105/W/24/3353886

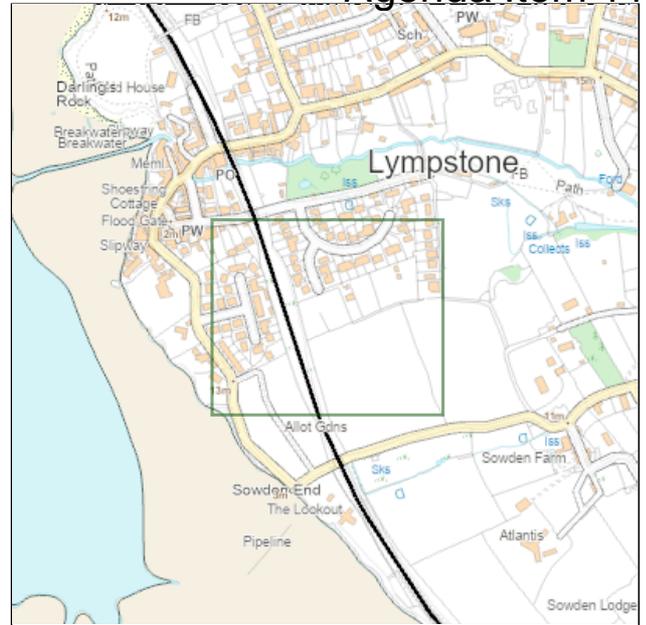
**Ward** Woodbury And Lymptone

**Reference** 25/1601/OUT

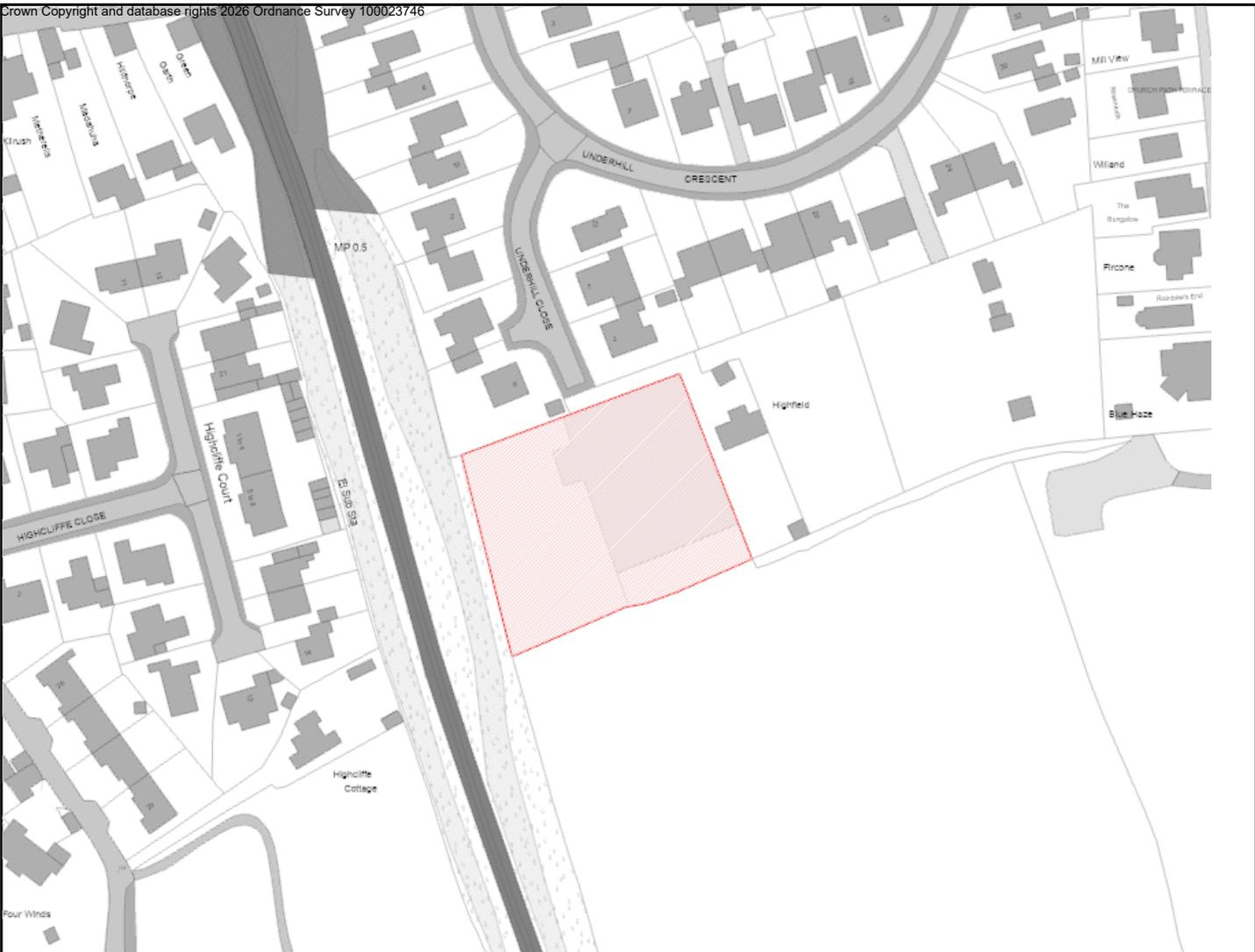
**Applicant** Mr Anthony

**Location** Car Park Land South Of Underhill Close Lymptone

**Proposal** Outline application for the erection of three detached dwellings (All matters reserved)



**RECOMMENDATION: Removal of previously agreed condition**



		<b>Committee Date: 24.03.2026</b>
<b>Woodbury And Lympstone (Lympstone)</b>	<b>25/1601/OUT</b>	<b>Target Date: 29.09.2025</b>
<b>Applicant:</b>	<b>Mr Anthony</b>	
<b>Location:</b>	<b>Car Park Land South Of Underhill Close</b>	
<b>Proposal:</b>	<b>Outline application for the erection of three detached dwellings (All matters reserved)</b>  <b>Addendum Report</b>	

**RECOMMENDATION: Removal of previously agreed condition**

#### **EXECUTIVE SUMMARY**

**This application is before planning committee to owing to comments from Ward Councillors being contrary to the officer recommendation.**

**The application seeks outline approval for 3 dwellings, with all matters reserved. A resolution to approve the above application was made at Planning Committee held on 9 February 2026, subject to an additional condition to require evidence that there is adequate capacity in the foul drainage system. The proposed condition further required that if capacity cannot be evidenced then no dwelling shall be occupied until any identified system upgrades have been completed.**

**South West Water have confirmed in writing that there is adequate capacity in the network. As such it is considered by officers that it would be unreasonable for the above condition to be applied to the approval.**

**The site already benefits from an extant permission under application 25/1114/FUL for a substantial six double bedroom house including an annexe. That approval did not require foul capacity to be evidenced prior to commencement.**

**Given that SWW have confirmed there is capacity for the proposed additional foul water connections it is not considered that the proposed condition is still required, or that its imposition would be reasonable.**

**As such, approval subject to the originally proposed conditions is recommended.**

## **Ward Member comments**

### **Councillor Geoff Jung 10/3/26**

I do not generally insist on singular builds for sewage Grampian conditions but as this was proposed by the Planning Committee (Mike Howe proposing it) I personally would not object to it.

However if you asked me if the sewage is capable to be operated by SWW safely I would say no, from the evidence based on the CSO operations recently.

As it was proposed and voted for by the committee I really think this should be a committee decision.

### **3/3/26**

This is their standard reply to anything in Lympstone now I'm afraid.

The Lympstone sewage flow generally all goes to a tank and then by pressured mains to Exmouth at Imperial road pumping station the Maer Rd and then up to Maer Lane.

However it may join the main at another location as this site is probably connected to the Exmouth mains elsewhere. However that brings up Hartop CSO which seems to be spilling every time it rains, and the Imperial were residents are complaining of their toilets backing up and unable to be used when it rains.

There were a massive 912 spills!!! at the Lympstone CSO in January with 39 hours 37mins and 11secs of sewage pumped into the Exe Estuary. The tank at Lympstone was only increased in capacity 6 years ago and the amount of spills from a new tank is very concerning.

The amount of short flows could be the result of a failure to the technology as its most odd that during the wet weather most CSOs were operational for many hours (Such as Woodbury just up the Estuary with more hours but less single spills.

I discussed the issue last night with the Parish Council and they consider that the sewage issues at Lympstone should be considered as part as the wider Exmouth issue

### **Councillor Ben Ingham 3/3/26**

In light of the evidence presented by Cllr Jung, I cannot support approval of this application

## **Technical Consultations**

SWW – 09/02/2026

I was watching today's committee meeting and heard the comments for this application and the query re: accepting foul flows to the SWW network.

This application was reviewed by SWW last summer. Our Development Evaluation Team assessed the proposal and no issues were raised for clean or foul water connections. As I this picked up from the Weekly List (not a formal consultation) and there were no concerns, I did not send a reply.

If you need anything further for this application, do let me know.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
25/1114/FUL	Construction of a new dwelling with annexe accommodation and associated landscaping	Approval with conditions	14.08.2025

---

## **Consideration and Assessment**

The application for outline approval for three detached dwellings, with all matters reserved, was considered at Planning Committee held on 9 February 2026. A resolution to approve was agreed subject to an additional condition to require evidence that there is adequate capacity in the foul drainage system to accommodate the additional dwellings. The condition further required that if capacity cannot be evidenced then no dwellings shall be occupied until any identified system upgrades have been completed.

South West Water confirmed in writing immediately after the committee meeting that there is adequate capacity in the network. As such it is considered unreasonable for the above condition to be applied to the approval.

The site already benefits from an extant permission under application 25/1114/FUL for a substantial six double bedroom house with annexe, with an area of 690 square metres. That approval did not require foul capacity to be evidenced prior to commencement.

This application is for three dwellings with a built area of approximately 3 x 265 square metres, which equates to an uplift of 15% above the built area of the extant approved scheme. Given that SWW have confirmed there is capacity for the proposed foul water connections it is not considered that the proposed condition is still required, or that its imposition would be reasonable.

The condition requiring surface water to be managed via soakaways will remain.

Accordingly, with the previously agreed conditions in place, 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, access 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 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).

5. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures contained within the Ecological Impact Assessment prepared by ESL Ltd dated April 2025, in particular the ecological enhancement measures detailed in Section 6 of the EIA.

(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).

6. Prior to the occupation of the development hereby permitted, details of the proposed minimum 1.8 metre high trespass proof boundary fence to the western site boundary with Network Rail Land shall be submitted to and approved in writing by the Local Planning Authority. Details shall include detailed plans and elevations of proposed fencing.

The works shall be carried out strictly in accordance with the approved details and shall be completed prior to the development being brought into use and thereafter retained and maintained for the lifetime of the development.

(Reason: To prevent unauthorised access to Network Rail land in the interests of providing safe and secure layouts in accordance with Local Plan Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).

7. 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 East Devon Local Plan 2012-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

8. 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.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A and C for the enlargement, improvement or other alterations to the dwelling hereby permitted other than works that do not materially affect the external appearance of the building, shall be undertaken.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and 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 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouses.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

12. 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 : 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); SuDS for Devon Guidance (2017) 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 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:

UND-001	Location Plan	01.08.25
---------	---------------	----------

**Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

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

		<b>Committee Date: 27.01.2026</b>
<b>Woodbury And Lympstone (Lympstone)</b>	<b>25/1601/OUT</b>	<b>Target Date: 29.09.2025</b>
<b>Applicant:</b>	<b>Mr Anthony</b>	
<b>Location:</b>	<b>Car Park Land South Of Underhill Close</b>	
<b>Proposal:</b>	<b>Outline application for the erection of three detached dwellings (All matters reserved)</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

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

**The site lies on the southern edge of Lympstone, immediately adjacent to, but outside of the BuAB as defined by both the adopted Local Plan and the emerging Local Plan. The site is also located within a Green Wedge as defined by the Local Plan, and close to but not within the Coastal Preservation Area.**

**The site has a long planning history with outline approval being granted for a predominately single storey dwelling on appeal in 2022. The site now benefits from an extant consent to construct a 690 square metre dwelling.**

**Outline approval is sought for the three two storey detached dwellings on the site. The proposal would allow for a more efficient use of land, through the provision of three homes instead of one, with the illustrative scheme indicating a 15% increase in floor area from 690 square metres to a total of 795 square metres for the three dwellings.**

**In previous appeals for the site, Inspectors have considered that the proposed dwelling would have a negligible impact upon the Green Wedge, and that the proposal would be seen against the context of varied scales and styles on the edge of the settlement. Although the extant approval is for a predominately single storey dwelling, the first floor of the approved scheme measures 22 metres long by 8.5 metres wide, and in comparison the proposed scheme indicates a similar quantum of development at first floor level but broken up into smaller elements that would be more in keeping with the surrounding pattern and character of development.**

**As with the extant approved scheme, the proposed dwellings would also have limited visibility from publicly accessible locations due to the low built form, existing vegetation and site topography. The proposal would therefore have a low landscape impact, and in terms of the Green Wedge, would not lead to sporadic or isolated development, or encourage settlement coalescence.**

**Previous appeals at the site have also stated that the site lies a short walk from Lympstone's amenities and therefore despite its position outside of the BuAB, the site would comply with Local Plan Policy TC2.**

**EDDC's housing land supply position engages the presumption in favour of sustainable development, whereby permission for development proposals should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. The NPPF supports development that makes efficient use of land, and the proposal would provide three houses on the site rather than one. The proposal complies with policies contained within the Local Plan and the NPPF, and in respect of the tilted balance, it is not considered there would be any adverse impacts of granting permission.**

**As such, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Objection - The site is outside the BUAB, in the Green Wedge and is potentially harmful to the landscape and surrounding neighbours. The continued use of the site as a car parking would be preferred.

#### Woodbury And Lympstone - Cllr Geoff Jung

Objection - Increasing the development footprint in this prominent location is not supported.

9/1/26: Although there is a previous application for a dwelling for this location, and therefore a presumption for development I cannot support this application as the development is in the Green Wedge and I have always not supported development at this location or any other Green Wedge location

#### Woodbury and Lympstone – Cllr Ben Ingham 9/1/26

I recommend this application for refusal.

It is in the green wedge, outside the BUAB, and adds to the traffic through the centre of the village on every journey.

I appreciate permission exists for this site for one dwelling, but that was gained on appeal through a misguided decision by the inspector, in my opinion.

## **Technical Consultations**

### Environmental Health

No objection - Initial concerns about railway noise removed following submission of Calculation of Railway Noise Assessment.

A Construction and Environment Management Plan (CEMP) is required by condition.

### EDDC Trees

No objection

### Network Rail

No objections in principle to the proposed development.

### Other Representations

Seven third party representations have been received, with six representations of objection to the proposal and one representation in support of the proposal.

A summary of grounds for objection is as follows:

- The Planning Inspector previously stated there should be no extensions or roof extensions to the house previously allowed. The approved house was predominately single storey and the proposal is for three two storey dwellings.
- The site is very sensitive and prominent, within the green wedge and outside the BuAB. The upper floor footprint exceeds the parameters agreed on the previous application. The proposal would be highly visible from the cycle path and the estuary.
- The proposal would vastly increase the scale and massing in comparison to the approved scheme and would have a detrimental impact upon neighbours.
- The proposal would disrupt views from the estuary and the cycle path
- Additional vehicles on Underhill Close will worsen congestion and create hazards for pedestrians
- Concerns over water pressure

A summary of grounds for support is as follows:

- Three houses on this site, as opposed to one large monolithic structure would be far preferable.
- This development will enhance the area and is not too different to the two houses that are subject to application 24/0674/FUL, which were, in the main, supported by local residents.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
79/C1826	Two chalet type dwelling houses with dormer windows and garages	Refusal	29.01.1980

15/1838/OUT	Outline application with all matters reserved for the construction of 4 no dwellings	Withdrawn	27.11.2015
18/1995/OUT	Outline planning application for a predominantly single storey dwelling with annex (including accommodation for a carer) on the car park/paddock situated at the head of Underhill Close, Lymington (all matters reserved other than access).	Refusal	02.11.2018
19/1506/FUL	Retention of car parking area and associated lighting	Withdrawn	29.06.2020
20/0933/OUT	Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)	Refusal	19.03.2021
20/0945/OUT	Construction of predominately single storey dwelling with annexe accommodation and reconfiguration of part of existing car park for public use; outline application with all matters except access reserved	Refusal	19.03.2021
Appeal ref. APP/U1105/ W/21/3282445	Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)	Appeal Allowed	01.03.2022
22/2410/RES	Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445)	Approval	21.07.2023

23/2540/VAR	Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers	Non-determinati on appeal lodged	
-------------	--	----------------------------------	--

Appeal ref. APP/U1105/W/ 24/3341698	Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers	Appeal allowed	<b>27.11. 2024</b>
---	--	----------------	--------------------

24/0725/VAR	Removal of condition 7 (Permitted Development for hard surfacing) of Planning Permission 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445)	Approval with conditions	13.06.2024
-------------	--	--------------------------	------------

24/0112/ PREAPP	Erection of four x 4 bedroom detached houses	Response	20.03.2025
--------------------	--	----------	------------

25/1114/FUL	Construction of a new dwelling with annexe accommodation and associated landscaping	Approval with conditions	14.08.2025
-------------	---	--------------------------	------------



## **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 8 (Development in Green Wedges) Adopted  
Strategy 27 (Development at the Small Towns and Larger Villages) Adopted  
Strategy 44 (Undeveloped Coast and Coastal Preservation Area) Adopted  
Strategy 47 (Nature Conservation and Geology) 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

### Lympstone Neighbourhood Plan (Made)

Policy 4 — Subject to the other policies of this Plan, proposals that provide for a range of housing sizes, types and tenures, to ensure that all sectors of the community are catered for, will be supported.

Policy 5 —To reflect the character of Lympstone, small/smaller scale developments of fewer than 10 dwellings would be preferred

Policy 6 —Density of housing will reflect the existing grain/density/pattern of surrounding development.

Policy 7 — New development should follow the guidance set out in the Village Design Statement.

Policy 8 —All development proposals with the exception of the conversion of listed historic buildings should seek to have a minimum energy efficiency standard equivalent to Level 4 of the Code for Sustainable Homes (DCLG 2006) or in line with current national standards.

Policy 11 – New Developments should provide off-road parking spaces to ensure that pressure on limited existing parking is not increased. 1 bed properties should have 1 parking space; 2 or more bedrooms should have a minimum of 2 spaces

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

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft  
Strategic Policy AR01 (Flooding) Draft  
Strategic Policy AR02 (Water efficiency) Draft  
Strategic Policy DS01 (Design and local distinctiveness) Draft  
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  
Strategic Policy OL03 (Coastal Preservation Areas) Draft  
Policy OL05 (Green wedges) 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)

### Site Location and Description

Underhill Close comprises a series of detached chalet bungalows on rising ground at the southern periphery of Lympstone. The application site is an area of land to the south of Underhill Close, with an area of approximately 0.34 hectares. The site is within the countryside and outside of the Built up Area Boundary (BuAB) of Lympstone as defined by the Lympstone Neighbourhood Plan. The site currently comprises a temporary tarmac car park with street lighting to the east of the plot and a paddock to the west of the plot. The site is bordered to the west by the railway line and embankment and agricultural land to the south. To the east of the site is a two storey property 'Highfield,' and the site is bounded by the gardens of No. 8 and No. 3 Underhill Close to the north. The site benefits from an existing vehicular access off Underhill Close.

The site is located within a Green Wedge as defined by the Local Plan. The boundary of the Coastal Preservation Area as defined by the Local Plan runs along the south eastern boundary of the site but the site itself is not within the Coastal Preservation Area. Lympstone Footpath 4 runs north to south approximately 140 metres east of the site. The draft Local Plan also places the site outside of the BuAB, and inside the Green Wedge. The previous use of the site as a car park was unauthorised.

### Proposed Development

Outline approval is sought for the erection of three detached dwellings on the site, with all matters reserved.

The illustrative site layout indicates an access drive running off the existing site access, off which the three plots would be accessed. The proposal indicates three detached dwellings orientated towards Underhill Close, with rear gardens extending to the rear / south east of the plot.

The total built form would occupy a footprint of 49 metres wide, with a maximum built depth of 13.5 metres. The illustrative footprint indicates 5.5 metres between the dwellings of plots 1 and 2, and 6.9 metres between the dwellings of plots 2 and 3.

The indicative street elevation shows the first floors of the dwellings being set back from the ground floor footprints.

The submission states that each dwelling would have a proposed area of 265 square metres.

Each dwelling would have two parking spaces. The illustrative site plan indicates the existing hedgerow boundary surrounding the site would be retained.

### Analysis

The principal issues for consideration are

- The principle of development,
- Design impact on character of site including landscape impact
- Residential / Neighbour Amenity
- Highways, access and parking
- Ecology / biodiversity
- Biodiversity Net Gain

### Principle of Development

Lympstone is listed under Local Plan Strategy 27 of the Local Plan as a village with a range of accessible services and facilities to meet many of the everyday needs of local residents as well as having reasonable public transport. The application lies outside of but immediately adjacent to the BuAB of Lympstone, as defined by the Local Plan and Lympstone Village Plan therefore in planning policy terms is in the countryside where Strategy 7 applies. This strategy is an overarching strategy for all development which 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.

However, the previous planning history of the site is a material consideration. The previous outline application (20/0933/OUT) was found to be acceptable at appeal, and application 25/1114/FUL effectively renewed the detailed permission for a single dwelling on the site approved under application 22/2410/RES. There have been no changes in planning policy since that decision, other than the loss of a 5 year housing land supply. The site therefore benefits from an extant consent for the erection of a substantial predominately single storey dwelling.

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.

Given the planning history of the site however, it is not considered that the principle of some residential development on the site could reasonably be resisted. The NPPF states at Para 129 that planning policies and decisions should support development that makes efficient use of land. Arguably, the submitted outline scheme which proposes three 265 square metres dwellings instead of the extant approved scheme which is for a 690 square metre dwelling, would provide a more efficient use of the site in providing three homes rather than one, with just a 15% increase in floor area. Draft Local Plan Policy DS02, which can only be given a moderate level of limited weight at this stage, reflects the NPPF and states that 'Proposals for residential development should optimise the density of the site in a manner that conserves or enhances the character of the area and makes efficient use of land'.

It is also noted that permission was granted in 2024 for two dwellings to the east of Highfield, application 24/0674/FUL refers, which also lies outside the BuAB of the current Local Plan. At the time of the decision the site was considered suitable and sustainable and a preferred site for new residential development by EDDC's Strategic Planning Committee, despite the site's Green Wedge designation. However, the site which is the subject of this application still falls outside of the BuAB within the emerging local plan.

An assessment is therefore required in respect of the merits of this proposed scheme against those of the previously approved single dwelling, in terms of its landscape and visual impact and impact upon residential amenity.

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

Appearance and layout are reserved matters to be considered at a later date.

The site is elevated with a gently sloping southerly aspect, dropping to a valley beyond the boundary. The railway line runs in a cutting immediately to the west of the site with further housing beyond and the Exe Estuary beyond that. There is housing directly to the north of the site and pasture directly to the south.

The current height of surrounding hedgerow boundaries restricts views in and out of the site to the south and west although, if the southern hedge boundary was to be lowered, there would be extensive views over the Exe Estuary.

The illustrative site plan shows three modern, flat roofed detached dwellings aligning with the building line established by Highfield to the east of the site, positioned further into the site and further away from No. 8 and No. 3 Underhill Close than the approved dwelling. The previously approved dwelling was for a predominately single storey dwelling, whereas the proposal indicates three two storey houses, potentially increasing the visual impact of the scheme.

The illustrative site section indicates that consideration has been made for existing building lines and ridge levels, with the ridge being indicated at slightly lower than the ridge line of the approved scheme.

The extant approval is for a dwelling arranged around a U shaped courtyard with overall dimensions of approximately 40 metres long by approximately 24 metres wide, with the depth of the plan varying between 8 metres and 9.5 metres. The first floor level has dimensions of approximately 22 metres long by 8.5 metres wide. The approved dwelling has an area of approximately 532 square metres at ground floor and 158 square metres at first floor, giving a total floor area of 690 square metres. The quantum of development shown in the illustrative site plan is 795 square metres, a 15% increase over the extant approval.

In respect of the impact of building on the green wedge and outside of the Built up Area Boundary, in the first appeal decision for the site (PINS Reference APP/U1105/W/21/3282445), the Inspector stated: 'The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. It is bound by a substantive hedgebank along its south perimeter. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth'.

This was expanded on further in the second appeal decision for the site (PINS Reference APP/U1105/W/21/3341698), where the Inspector stated: "The proposed dwelling would be visible from a footpath to the east, along with filtered views from an area of open space to the south-west. There are also likely to be distant views for recreational users of the Exe Estuary, and from higher ground in and around the western extents of Exmouth. In such views, there is a clear built context for residential development. Built and consented modern housing in proximity to the site, including the approved scheme, alongside more traditional dwellings establish a mixed character of residential development on the edge of the settlement'. The Inspector went on to say that the proposed scheme 'would still be predominantly single storey, and would maintain a low profile, sitting substantially below the ridge and chimney of Highfields. Its overall scale and massing would not be incongruous in the context of dwellings of varied scales and styles on the settlement edge. As such, in considering the fallback position of the approved scheme, the proposed changes to the form of the dwelling would not be unduly prominent or uncharacteristic in this location, and would not harm the character or purposes of the Green Wedge'.

Local Plan Strategy 8 'Development in Green Wedges' states that 'Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence'.

The proposal is set in close proximity to existing housing and is likely to have a low landscape impact. The extant approval for a single dwelling was permitted conditional upon removal of permitted development rights in relation to the existing boundary treatments to ensure the retention of the boundary hedgerows. There is still a possibility that the desire to obtain views over the estuary could lead occupants

to reduce the height of the existing hedgerow, which would have adverse landscape impact. This is also a potential outcome with the extant approved scheme however.

The proposal would be visible from properties at the southern end of Underhill Close, and some properties at Highcliffe Court to the west of the railway cutting would also have filtered views over the site through boundary vegetation from upper floor windows. The upper storeys of the proposal would also likely be visible in views of the site from Lympstone Footpath 4 to the east of the site, at a distance of approximately 210 metres away.

From the south and south west of the site, from Sowden Lane and the Sustrans cycle track, there would be limited views of the site due to the topography and screening from hedgerows.

The proposed dwellings would have limited visibility from publicly accessible locations due to their generally low form and the screening provided by existing boundary vegetation. In views from the south east where the development would be visible, it will be seen at some distance against the backdrop of existing housing and would therefore have a low visual impact.

In comparison with the extant approval, although the development would occupy a slightly larger footprint, the ground floor elements would be screened by the existing hedgerow. At first floor, instead of a 21.5 metre long first floor elevation, the indicative site section indicates the proposed first floor elevations would be approximately 7-8 metres wide. The overall quantum of development at first floor is similar to that of the extant approval but broken up into smaller elements with space between that would reduce the effective massing and visual impact and would be more in keeping with the surrounding pattern and character of development.

In terms of the Green Wedge, the proposal would not lead to sporadic or isolated development, or encourage settlement coalescence.

On the basis of the submitted details it is considered that the scheme would have a low visual impact, would not be unduly prominent or uncharacteristic, and would not harm the character or purposes of the Green Wedge. Through the provision of smaller dwellings rather than one large house, the proposal would reduce the visual impact of the first floor element and be more in keeping with the surrounding character of development.

A number of permitted development rights have been removed from the extant approved scheme in order to reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge.

In the 23/2540/VAR appeal, the Inspector stated of the proposal 'Its simple outline and low-profile forms part of its character, and even within the conditions and limitations permitted by the GPDO, extension of the property at ground-floor, first-floor, or roof level could add significantly to the footprint and mass of the dwelling, harming the character and appearance of the area. Similarly, buildings within the curtilage of the property permitted by Schedule 2, Part 1 Class E of the GPDO could

introduce substantial built form towards the southern periphery of the site, undermining the landscape strategy of the rural and informal southern garden, and affecting the character and appearance of the area. I therefore consider that in this case, there is clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling'.

In respect of the potential for the addition of further photovoltaic panels, the Inspector stated 'Once completed, the GPDO would allow an additional 0.6m height in solar equipment across the roofs of the dwelling, which if implemented to its full extent, could result in a harmful increase in built massing at the site'. As per the previous appeal it is therefore considered appropriate to restrict any roof additions.

The Inspector also considered it appropriate to remove permitted development rights to control the future boundary treatments to the site to ensure the appearance and landscaping of the site, including its boundary hedgerows, are maintained. For the same reasons it is also considered for the same restrictions upon permitted development rights to be imposed to any new approval at the site.

Given the above, subject to the imposition of appropriately worded conditions, it is considered that the proposal would be in accordance with Local Plan Strategy 8, Policy D1 and Lympstone Neighbourhood Plan Policy D1.

#### Residential / Neighbour Amenity

The illustrative layout submitted indicates the proposal would provide a minimum of 22 metres between the proposed dwellings and existing dwellings at No. 3 and No. 8 Underhill Close, with the site boundary to the north being formed by a mature hedge, which is considered adequate. The proposal indicates the dwellings could be sited further south within the site, further away from the existing dwellings at the southern end of Underhill Close.

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 raised concerns regarding the proximity of the dwellings to the railway and the potential for future residents to be adversely affected by noise. To this end the applicant has undertaken a Calculation of Railway Noise (CRN) Assessment. On site measurements were carried out over a 24 hour period which demonstrated that no additional sound mitigation would be required to any of the dwellings. On this basis Environmental Health do not anticipate any environmental health concerns.

Environmental Health have recommended that a Construction and Environment Management Plan (CEMP) be submitted prior to any works commencing on site in the interests of the amenity of nearby residents.

Given the above, subject to the proposed conditions, 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

As stated previously, Lympstone Village has a BuAB and offers a range of accessible services and facilities to meet many of the everyday needs of local residents, as well as having good public transport links by bus, and rail as well as access to the Sustrans National Cycle Network Route 2 running between Exmouth to Exeter and beyond. Whilst the site lies just outside of the BuAB, the inspector noted in one of the previous appeals ((PINS ref: APP/U1105/W/21/3282445) that the proposal site 'would be a short and untaxing walk to Lympstone's amenities'. The proposal therefore complies with Local Plan Policy TC2.

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. It is not considered that the increase in traffic arising from development of the site would be likely to present any highway safety concerns. The site is sufficiently spacious to allow 2 parking spaces for each of the three 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, the proposal would comply with Local Plan Policy TC2, TC7 and TC9 and Lympstone Neighbourhood Plan Policy T1.

#### Ecology / biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA). The site as existing comprises a large tarmac car park, as well as modified grassland, ruderal/ephemeral vegetation, and native hedgerows to the north, east and south boundaries of the site

The report notes that the site has foraging and commuting potential for bats, and there is potential for birds to be nesting in the hedges. Hedgehogs and badgers are likely to traverse or forage onsite, however the hedgerows are noted as being largely suboptimal for dormice due to frequent cutting, and a lack of sufficient structure and diversity of woody, fruiting shrubs. Overall, the existing site is considered to have a low ecological value. Hedgerow 4 which currently bisects the site would be removed and the report recommends this is undertaken outside of the bird nesting season of March to September inclusive.

The report recommends that Construction Exclusion Zones are maintained along all retained hedgerows at a minimum distance of two metres. The report also recommends the covering of trenching and ensuring any pipework is capped to prevent adverse impacts to protected species. Enhancements proposed include the inclusion of a bat tube / box to each dwelling, a bee brick and bird brick in each new dwelling, gapping up of existing hedges, and the creation of a new species-rich

native hedgerow along the north-east site boundary inside the existing boundary to offset the loss of Hedgerow 4. Recommendations are also made in respect of artificial lighting to reduce disturbance to bats, and that proposed fencing between plots is designed to allow mammal movement across the gardens.

The report states that monitoring of both the avoidance and mitigation measures is to be undertaken to ensure they are put in place and carried out correctly, and will be undertaken by a suitably qualified ecologist / Ecological Clerk of Works.

A condition would therefore be imposed upon any approval requiring compliance with the submitted Ecological Impact Assessment. With the appropriate condition in place the proposal would comply with Local Plan Policy EN5.

### Biodiversity Net Gain

The application is accompanied by a Biodiversity Net Gain Statement, Statutory Biodiversity Metric and Statutory Biodiversity Metric Condition Assessments.

There are no irreplaceable habitats onsite or adjacent to the site and therefore there is no loss or impact on any such habitats.

Although the hedgerows will be retained in the scheme, and any gaps infilled with native woody species, in terms of the metric because the hedgerows would be in private gardens they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG). This 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.

The Statutory Biodiversity Metric indicates an increase in habitat units of 19.98%, but a loss in hedgerow units of 87.69%. Therefore, the purchase of 0.92 hedgerow units would be required to comply with the 10% uplift.

EDDC's ecologist has informally commented that the submitted metric indicates the hedges being removed entirely in terms of their score, however the hedgerow post development could be added into the metric as 'native hedgerow in poor condition' which would more accurately reflect the hedgerow condition in a private garden and would slightly reduce the amount of off-site units required. This may be dealt with post permission when the BNG plan is submitted.

### Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest

from developments within 10 kilometres of 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

There are no existing trees on the site that could be impacted by the proposal. The submitted Ecological Impact Assessment gives details of proposed hedge protection including details of the protective fencing, which would be conditioned as part of any approval to ensure suitable protection during works on site.

As such the proposal would comply with Local Plan Policy D2 and D3.

### Drainage

Foul drainage would be dealt with via mains drainage. The application form states that surface water would be dealt with via mains drainage. 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.

Planning Policy Guidance in respect of sustainable drainage states that surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The proposal to discharge into a combined sewer would not be acceptable in the absence of evidence of why other methods up disposal further up the drainage hierarchy are not practical.

As per the comments from Network Rail, any soakaways or attenuation ponds should not be constructed within 5 metres of network rail's boundary, and the drainage design must prevent water flowing onto Network Rail's property.

A condition would therefore be imposed requiring surface water drainage to be provided by means of soakaways within the site unless an alternative means of surface water drainage is agreed prior to installation.

Subject to the imposition of the above condition, the proposal is considered to accord with policies EN19 and EN22 of the local plan.

### Railway safety

Network Rail have stated there are no objections in principle to the proposed development. The proposal indicates built form 7 metres closer to the railway than

the existing approved scheme, but the illustrative scheme indicates the nearest dwelling would be approximately 27 metres from the railway line.

Network Rail have commented that the proposal would lead to an increased risk of trespass onto the railway, therefore the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary at a minimum height of 1.8metres, and make provision for its future maintenance and renewal.

Any soakaways or attenuation ponds must not be constructed near/within 5 metres of Network Rail's boundary and surface water must not discharge onto Network Rail's property or drains.

### Other matters

The site is within flood zone 1 therefore there are no concerns in respect of flooding. There are no listed buildings near the site that could be impacted by the proposal.

### Planning Balance

The proposal would allow for a more efficient use of land, through the provision of three homes instead of one on the spacious site, with the illustrative scheme indicating a 15% increase in floor area from 690 square metres to a total of 795 square metres for the three dwellings.

In previous appeals for the site, inspectors have considered that the proposed dwelling would have a negligible impact upon the Green Wedge, and that the proposal would be seen against the context of varied scales and styles on the edge of the settlement. Although the extant approval is for a predominately single storey dwelling, the first floor of the approved scheme measures 22 metres long by 8.5 metres wide, the overall quantum of development indicated in the illustrative scheme is similar to the approved scheme but broken up into smaller elements that would be more in keeping with the surrounding pattern and character of development.

In comparison with the extant approval, the proposed dwellings would also have limited visibility from publicly accessible locations due to the low built form, existing vegetation and site topography. The proposal would therefore have a low landscape impact and in terms of the Green Wedge, would not lead to sporadic or isolated development, or encourage settlement coalescence.

Previous appeals at the site have also stated that the site lies a short walk from Lympstone's amenities and therefore despite its position outside of the BuAB, the site would comply with Local Plan Policy TC2.

EDDC's housing land supply position engages the presumption in favour of sustainable development, 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. The NPPF supports development that makes efficient use

of land, and the proposal would provide three houses on the site rather than one. The proposal complies with policies contained within the Local Plan and the NPPF, and in respect of the tilted balance, it is not considered there would be any adverse impacts of granting permission.

Accordingly, with the appropriate conditions in place, 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, access 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 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).

5. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures contained within the Ecological Impact Assessment prepared by ESL Ltd dated April 2025, in particular the ecological enhancement measures detailed in Section 6 of the EIA.

(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).

6. Prior to the occupation of the development hereby permitted, details of the proposed minimum 1.8 metre high trespass proof boundary fence to the western site boundary with Network Rail Land shall be submitted to and approved in writing by the Local Planning Authority. Details shall include detailed plans and elevations of proposed fencing.

The works shall be carried out strictly in accordance with the approved details and shall be completed prior to the development being brought into use and thereafter retained and maintained for the lifetime of the development.

(Reason: To prevent unauthorised access to Network Rail land in the interests of providing safe and secure layouts in accordance with Local Plan Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).

7. 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 East Devon Local Plan 2012-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

8. 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.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A and C for the enlargement, improvement or other alterations to the dwelling hereby permitted other than works that do not materially affect the external appearance of the building, shall be undertaken.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and 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 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouses.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

12. 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 : 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); SuDS for Devon Guidance (2017) 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 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)**

Plans relating to this application:

UND-001	Location Plan	01.08.25
---------	---------------	----------

List of Background Papers

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

Environmental Health

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

I have viewed the documents for the outline application for the erection of three detached dwellings (All matters reserved) on the Car Park Land South of Underhill Close Lympstone.

I did not support the previous applications but unfortunately the Planning Inspector overruled the previous local authority refusal. I note that the inspector in the case of the appeal 23/2540/VAR the Inspector approved a Condition which prevented any additional structures being built in the curtilage and also no increase in the size of the dwelling, stating "...consider that in this case, there is clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling (conditions 9 and 10).'

Therefore, although there is an agreed planning application for one very large house, I cannot support an application for 3 dwellings increasing the development footprint even further on this most prominent location. I therefore cannot support this proposal, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### EDDC Trees

No arb concerns.

#### Environmental Health

This application involves the introduction of noise sensitive dwellings in close proximity to an existing Railway. I am concerned that the noise impact from the train movements has not been assessed, particularly for plot 1. A CRN assessment should be undertaken to determine the noise impact from train movements. The purpose of this noise assessment is to determine whether future residents are likely to be adversely affected by noise. If the noise impact assessment highlights noise as an issue, further noise attenuation will need to be considered and assessed to determine if it is at an appropriate level to achieve internal noise levels in line with BS8233.

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.

## Network Rail

Thank you for your email dated 5 August 2025 together with the opportunity to comment on this proposal.

Network Rail has no objections in principle to the proposed development. The applicant should consider the below Network Rail advice for development adjacent to the railway.

### SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

### FENCING

Because of the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

### DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail.

There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

#### SITE LAYOUT

The applicant must ensure that the construction and subsequent maintenance can be carried out to the proposed development (including any boundary treatment) without affecting the safety of, or encroaching onto Network Rail land and air-space. Network Rail therefore requires a minimum 2 metres gap between the proposal and our boundary fencing for the following reasons:

- o To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.
- o To ensure that should the proposal fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the development falling into the path of trains.
- o To ensure that the proposal (including any boundary treatments) cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- o To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc
- o To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, destabilise or other impact upon the operational railway land, including embankments, cuttings etc.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### Parish/Town Council

Recommendation: Object

Lympstone Parish Council objects to this application for the following reasons:

The site is outside the BUAB and has not been allocated in EDDC's new Local Plan.

The site is designated Green Wedge ie Strategy 7 of EDLP applies.

Historically, the only application with permission is for 'one single dwelling, predominantly single storey'.

Potential harmful impact on the distinctive landscape and on neighbours.

LPC has consistently objected to development on this site.

The recent appeal conclusion 23/2540/VAR on the previously agreed 'single dwelling, predominantly single storey' included restrictions on permitted development - 'clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling'.

Also, 'extension of the property at ground floor, first floor, or roof level could add significantly to the footprint and mass of the dwelling, harming the character and appearance of the area'.

As the temporary car park on this site has not yet been returned to pasture, the continued use of the car park to alleviate the lack of public parking spaces would be preferred.

### **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.