

Agenda for Strategic Planning Committee Monday, 10th June, 2019, 10.00 am

Members of Strategic Planning Committee

Councillors: S Bond (Chairman), N Hookway (Vice-Chairman), M Allen, F Caygill, O Davey, S Hawkins, P Hayward, M Howe, F King, D Ledger, T McCollum, A Moulding, G Pratt, E Rylance and P Skinner

Venue: Council Chamber Blackdown House

Contact: Wendy Harris;

01395 517542; email wharris@eastdevon.gov.uk

(or group number 01395 517546)

Thursday, 30 May 2019



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

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 8)

3 Apologies

4 Declarations of interest

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

5 Matters of urgency

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

6 Confidential/exempt item(s)

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

7 Review of East Devon Area of Special Control of Advertisements (ASCA) (Pages 9 - 36)

8 Planning Appeals Status Report (Pages 37 - 42)

9 East Devon Guide for the Listing of Local Heritage Assets (Pages 43 - 74)

Under the Openness of Local Government Bodies Regulations 2014, any 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 Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time will be recorded.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber Blackdown House on 26 March 2019****Attendance list at end of document**

The meeting started at 10.01 am and ended at 11.55 am

50 Public speaking

The Chairman welcomed everyone to the meeting.

There were no members of the public that wished to speak.

51 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 20 February 2019 were confirmed as a true record.

52 Declarations of interest

Cllr Eleanor Rylance - Minute 56 – Personal interest – Ward member for Broadclyst Parish Council;

Cllr Ian Hall – Minute 57 – Personal interest – Chairman of Open Lawn Sports Centre

53 Matters of urgency

There were no matters of urgency discussed.

54 Confidential/exempt item(s)

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

55 Heritage Strategy

The report presented to the committee outlined the outcome of the public consultation on the Heritage Strategy and sought agreement to the adoption of the East Devon Heritage Strategy 2019 – 2031, subject to amendments outlined in the report and to the introduction of a pilot scheme for a Conservation Area review in a phased approach for East Budleigh including the Otter Valley Association.

The Service Lead, Planning Strategy and Development Management advised that 34 responses to the consultation had been received from consultees including local history and amenity groups, neighbourhood planning groups, and town and parish councils. Members noted that the responses received were largely positive including minor comments about detail and engagement with other groups and comments about the timing and monitoring of the action plan. Members also noted a positive response had been received from Historic England endorsing the strategy.

The Committee were supportive of the recommendation and comments included:

- Clarification was sought about recommending East Budleigh for the pilot scheme. In response the Service Lead, Planning Strategy and Development Management advised East Budleigh was a typical example of a conservation area with a community group and neighbourhood planning group that were keen to be involved.
- Clarification was sought if East Budleigh had been chosen because of its historic association. In response the Service Lead, Planning Strategy and Development Management confirmed this was the main reason and drew attention to the Otter Valley Association and the Neighbourhood Planning Groups.
- Clarification was sought whether the parish council was aware of the proposal. In response the Service Lead, Planning Strategy was not able to confirm but advised the Policy Team had liaised with all the community groups.
- Clarification was sought on the Sid Vale Association's interest on the pilot scheme and whether two schemes could be run at the same time. The Service Lead, Planning Strategy and Development Management advised he was aware there had been interest but wanted to use a smaller town for the pilot to learn from;
- The need for an additional planning officer to help undertake the task. In response the Chief Executive confirmed that additional staff resources were not envisaged;
- The need to protect heritage;
- The need to engage with national bodies including The National Trust;

RESOLVED:

1. That the East Devon Heritage Strategy 2019 – 2031 as detailed in this report be approved.
2. That the pilot scheme for a Conservation Area review for East Budleigh including the Otter Valley Association as described in the Heritage Strategy be approved.

56 **East Devon and Blackdown Hills Landscape Character Assessment**

The Committee considered the Service Lead, Strategic Planning and Development Management report summarising the comments on responses received and to seek Members approval for adoption of the revised (2019) East Devon and Blackdown Hills Landscape Character Assessment.

Discussion on the East Devon and Blackdown Hills Landscape Character Assessment included:

- Consideration to incorporate animals for conservation grazing to bring farming into the local economy. In response the Chief Executive advised this was part of the Management Plan and highlighted Nature Reserves and gave an example of the RSPB Nature Reserve at Newton Poppleford where grazing has been going on for some time;
- Concerns raised that farming interest had not been demonstrated in the report as farming has the biggest effect on landscapes. In response the Chairman explained that the farming community had been fully engaged in work on the Blackdown Hills AONB management plan where these issues were more relevant;
- No response received from the National Farmers Union;

RESOLVED:

1. That the comments received on the Draft document be noted.
2. That the adoption of the revised (2019) East Devon and Blackdown Hills Landscape Character Assessment for use in decision making be approved.

57 **Action Plan for Production of a Revised East Devon Playing Pitch Strategy**

The Service Lead, Planning Strategy and Development Management briefed the Committee on the production of the original East Devon Playing Pitch Strategy and the Sports Playing Pitch Strategy and advised this report sought recommendation to revise the East Devon Playing Pitch Strategy. The expectation would be a light touch exercise every three years to refresh information and data.

Members noted the major benefits of keeping an up-to-date strategy which assists in funding from Sport England. Members noted funding had been received for Kings School, Ottery St Mary and had also helped massively with negotiations on development at Cranbrook, Winslade Park, Clyst St Mary and the former Rolle College Playing Fields, Exmouth.

The Committee considered the report that outlined the methodology for a revised East Devon Playing Pitch Strategy as discussed and agreed with Sport England. Members noted the slight risk of assistance from external consultants for the more technical work with costs covered by existing budgets.

The Committee were supportive of the East Devon Playing Pitch Strategy and points raised during discussion were:

- Fundamentally important for health and wellbeing;
- The Strategy needs to be reviewed to reflect the criteria changes for sports halls. Concerns raised that the Rugby Union now would like to lease pitches to clubs;
- Concerns raised that schools are losing play space due to expansion to accommodate the increase in pupils;
- Welcome the focus on grass root sport and a flag ship facility;
- Need provision for children to be active;
- Football teams struggle in the winter to find suitable pitches to play on;
- Social and health benefit to children and families;
- Encourage more sports field sites to be used for night time helicopter landings for financial benefit and site protection;
- Encourage joint use of school fields;
- Not boundary restrictive;
- Encourage clubs to signpost for funding;
- Clarification sought on pitch provision in green wedge sites. In response the Service Lead, Planning Strategy and Development Management explained that pitch provision could be appropriate in a green wedge provided it does not conflict with the purposes of the green wedge such as if it would lead to settlement coalescence. The Service Lead, Planning Strategy and Development Management also referred to the example in the draft Exmouth Sports Pitch Strategy and advised it would be reviewed in the next phase;
- Provision for ladies sport including netball;
- Provision for 3G pitches and Multi-use Games Areas (MUGA's);
- Concerns raised for deterioration of non-club sites and bringing them up to standard;
- Protection of sports;
- Clarification of Sports Strategy, Health Strategy and Planning Strategy.

RESOLVED:

That a revised East Devon Playing Pitch Strategy in consultation with Sport England and other supporting bodies and clubs to aid future funding bids to support the delivery of new and improved sport facilities in the district and negotiations with developers over provision as part of the major developments be approved.

58 **Custom and Self-build Housing**

The Committee considered the report which sought to provide Members with a detailed understanding of ways to encourage more custom and self-build in East Devon.

During discussion some members expressed frustration about recommendation 3 and comments were made that the proposed task and finish forum would duplicate work already completed by the Overview Committee and Housing Review Board. It was also commented that the detailed work already undertaken had not been included in this document. The Chief Executive responded to the views expressed and advised the idea of another task and finish form had come from Members themselves as expressed in the Member Workshop on self and custom build in December 2018. The Chief Executive advised the comments made would be addressed.

Comments made during discussions included:

- A good way to bring good quality affordable housing into the community;
- Interpretation for self-build and affordability;
- The need for work on examples including modular builds.
- The need to tailor buildings to community needs;
- Homes England policies have changed;
- Custom build houses provides work for small builders;
- Frustration was expressed that some very expensive houses are alleged to be self-build;
- The National Planning Policy guidance considers how to best support self-build and custom house building;
- Building houses builds communities;
- The Right to Buy Model should be used for custom and self-build housing, people should have working and family links to the area;
- EDDC own a huge piece of housing land in Axminster that could be used for the benefit of people who live in the East Devon area. Concerns raised that EDDC had not moved forward with the site in Axminster. In response the Chief Executive noted the concerns raised and suggested it could be discussed at the Housing Review Board to better understand the levels of difficulty the council is faced with;
- Big demand for assisted living units which could potentially release existing housing stock;
- Conflicting demands between building more affordable houses and the delivery of infrastructure. Self-build houses are being gamed by people who want to build large expensive houses.
- It was queried whether a tier classification could be introduced so that large and expensive houses built pay CIL and to use the CIL tool to encourage building the type of property that is wanted. In response the Chief Executive agreed in principle that it was for ordinary families to acquire land to build their own houses but said the difficulty was policy allowed houses to be built subject to finances available. In response to the comment about CIL the Chief Executive advised that CIL did not apply to self and custom build.
- Clarification sought on Policy H2. The Service Lead – Planning Strategy and Development Management advised it was not a requirement, however, it could be

considered at the local plan review to look at evidence to put in a policy to make this a requirement.

The Chief Executive noted the comments made to recommendation 3 and advised a revised report can be brought back to Strategic Planning Committee to help tie up what has been done through previous forums, what other authorities are doing and potential actions to promote self and custom building in the district.

RESOLVED:

1. That a total of 93 individual registered on the self-build register at the end of the monitoring period (30 October 2018) and the need to take this into account when undertaking the Council's planning, housing regeneration and disposal of land functions be noted.
2. That the need to permission nine suitable plots in addition to those already consented to meet the demand shown on the self-build register during the next 3 years (by 31 October 2021) be noted.
3. That a new comprehensive report on self-build be brought to the next appropriate Strategic Planning Committee taking into account what is happening in the district, what the council can do to assist and taking the outcome of the Housing task and finish forum and Housing Review Board Workshop into account.

59 **Draft Affordable Housing Supplementary Planning Document**

The Committee considered the Service Lead, Strategic Planning and Development Management report that sought approval of the draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks. The purpose of the report was to give guidance about expectations for affordable housing delivery in the district which would enable developers and landowners to understand the requirements.

The Committee noted the limited detail on viability in the report. The Service Lead, Strategic Planning and Development Management advised it can be referred to on the website where it is regularly updated.

Points raised during discussion on the proposed draft Affordable Housing Supplementary Planning Document included:

- Clear guidance and illustrations were welcomed to show what is and what is not acceptable when considering planning applications at Development Management Committee that have badly clustered affordable housing;
- Clarification sought on the affordability ratio and the definition of affordable housing. The Service Lead, Strategic Planning and Development Management advised that delivering houses under the new definition of affordable housing in the NPPF such as discounted market housing are not affordable to people with the greatest need in East Devon. The Service Lead, Strategic Planning and Development Management advised it was a fundamental problem that East Devon District Council do not have control over but had made representations to government about;
- Clarification sought on whether the viability can be done ahead of planning consent as the value paid for the land is often the biggest factor affecting the viability of a development. The Service Lead, Strategic Planning and Development Management advised the approach taken was from Homes England in terms of funding bids and welcomed the responses from the consultation. It

was also advised that viability appraisals would only be done when not policy compliant. Since the viability often changes over time due to unexpected costs, economic change etc., it was not possible to fix viability and hold developers to the original agreement. The Chief Executive advised to use Cranbrook as a case study to reflect on how much public money was needed for the development. Phase 1 cost £55m (not including Junction 29 and the Clyst Honiton Bypass);

RESOLVED:

That the draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks be approved.

Attendance List

Councillors present:

P Diviani (Chairman)
M Allen (Vice-Chairman)
S Bond
J Elson
G Godbeer
I Hall
G Jung
R Longhurst
E Rylance
P Skinner
M Williamson

Councillors also present (for some or all the meeting)

D Barratt
R Giles
A Moulding
I Thomas

Officers in attendance:

Mark Williams, Chief Executive
Ed Freeman, Service Lead Strategic Planning and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer

Councillor apologies:

M Booth
C Brown
M Howe
G Pook

Chairman

Date:



Report to:	Strategic Planning Committee
Date of Meeting:	10 th June 2019
Public Document:	Yes
Exemption:	None
Review date for release Agenda	None 7

Subject:	Review of East Devon Area of Special Control of Advertisements (ASCA)
Purpose of report:	To seek Members agreement to recommend that full Council make changes to the areas included in the East Devon Area of Special Control of Advertisements.
Recommendation:	<ol style="list-style-type: none"> 1. That this Committee recommend that full Council make amendments to the areas covered by the Area of Special Control of Advertisements as set out in the attached draft schedule (Appendix 2). 2. That the Service Lead – Planning Strategy and Development Management be authorised to make minor changes to the draft modification Order (Appendix 2) prior to finalisation. This is intended to cover the production of more detailed plans to indicate the changes proposed and any minor wording updates that may be necessary.
Reason for recommendation:	To ensure that the appropriate areas are covered by the Area of Special Control of Advertisements.
Officer:	Linda Renshaw, Senior Planning Policy Officer Email Irenshaw@eastdevon.gov.uk Tel: 01395 571 683
Financial implications:	There are no direct financial implication resulting from the recommendations
Legal implications:	This modified order designating amended areas of special control is made under the Town and Country Planning Act 1990 and will only come into effect once approved by the Secretary of State. This approval is a formal process where objections are invited and may be made following receipt a hearing may be required with consideration of the representations before approval is issued. Other than this there are no other legal implications
Equalities impact:	Low Impact Changes to the Area of Special Control of Advertisements will not have specific equalities impacts
Risk:	Low Risk The Area of Special Control of Advertisements has been reviewed and consulted on in accordance with legal requirements. There is a risk that if the results of this review are not implemented then its legitimacy could

be challenged. There also a risk that the Secretary of State may not agree to some or all of the changes.

Links to background information:

- [Review Consultation Document February and March 2019](#)
- [29th January 2019 agenda item](#)
- [29th January 2019 minutes](#)
- [Review of East Devon Area of Special Control of Advertisements - East Devon web page](#)
- [24th July 2018 SPC agenda](#)
- [24th July SPC 2018 minutes](#)
- [Guide to review of ASCA September 2018](#)

Link to Council Plan: Encouraging communities to be outstanding

Report in full

1. Review of the Area of Special Control of Advertisements

- 1.1 The Advertisement Regulations set out rules for the display of advertisements and set limits on the kind of advertisements which require formal permission from a Local Planning Authority. The Planning Acts enable a Local Planning Authority to designate an Area of Special Control of Advertisements (ASCA) where there are stricter controls on the type, size and height of advertisements. The legislation requires that an ASCA should only be designated where there is a need for special protection due to scenic, historic, architectural or cultural features. Most of East Devon was designated as an ASCA as part of a wider order made by Devon County Council in the 1960's and very few changes have been made since.
- 1.2 In accordance with legal requirements, in 2018 this Committee agree that a review be undertaken to assess whether the correct areas are covered by the ASCA. Officers undertook initial consultation with affected parish councils and ward members in the summer of 2018 and undertook a review which was considered by this Committee in January 2019. This found that substantial areas should be removed from the ASCA, including all those parts of the built-up areas of the larger towns that are not in an AONB, small areas of Budleigh Salterton, Beer and Colyton and the whole of the Enterprise Zone. The review also concluded that some small areas in Axminster, Beer, Budleigh Salterton, Exmouth and Seaton should be included in the ASCA due to their rural character. Strategic Planning Committee agreed the review for public consultation, which was undertaken in February and March 2019.
- 1.3 The regulations concerning the display of advertisements are extremely detailed and complex. When considering whether it is appropriate to make the changes recommended Members may wish to consider the practical implications that being inside the ASCA can make. If an area is designated as a conservation area or an Area of Outstanding Natural Beauty the difference in the level of protection that being inside the ASCA is very limited. As part of the consultation a summary of the different advertisement rules that apply to the display of advertisements in the ASCA, AONBs and conservation areas was provided and is included as Appendix 1 to this report.

2. Consultation on the review

- 2.1 Targeted consultation on the review took place in February and March 2019. Legislation requires that local trade and amenity bodies are consulted on proposed changes to the ASCA. Twenty four representatives of local amenity groups, eighteen representatives of local trade organisations, all parish council's, local Members and the national advertising body (the Advertising Association) were sent details of the review and asked for comments. In addition the review was available for comment on the EDDC web site.
- 2.2 Only four responses to the consultation were received.
- 2.3 Budleigh Salterton Town Council agreed to the proposed changes as set out in 7.3 of the review document.
- 2.4 Colyton Parish Council unanimously voted to keep the whole of the town inside of the ASCA and not to remove the vitality and shopping area as proposed in the review.
- 2.5 Cranbrook Town Council agreed with the general approach of excluding the built-up areas of the main East Devon towns from the ASCA. The review proposed to remove from the ASCA only the parts of the town with planning permission, but put forward an alternative approach of also removing the areas proposed for expansion in the Cranbrook Plan. The Town Council was in favour of the alternative approach (of excluding a larger area) and agreed that this would make it easier to display some advertisements as Cranbrook grows. In relation to the Enterprise Zone the Town Council agreed with its removal from the ASCA.
- 2.6 Exmouth Town Council had no objection to any of the proposed changes.

3. Proposed Changes to ASCA

- 3.1 From the limited number of consultation responses it can be assumed that there are no significant objections to the changes proposed to the ASCA as set out in the review. There was one response that did not support the approach put forward in the review (Colyton Parish Council) and in both this case and in Cranbrook the alternative approach suggested in the review was supported; both of these alternatives are now recommended to be incorporated into the changes to be made to the ASCA.
- 3.2 In Colyton the Parish Council were very clear that they wanted the whole of the town to remain inside of the ASCA and that they did not want to remove the vitality and shopping area defined in the Villages Plan from the ASCA. The removal of this small area was recommended in the review to enable some more flexibility for advertising in the commercial centre of Colyton and to achieve a consistent approach with Beer. Given the strong objections of the Parish Council and their support for keeping this area within the ASCA changes are no longer proposed in Colyton. This means that the whole of Colyton will be kept inside the ASCA.

- 3.3 For Cranbrook the review proposed that only those areas with planning permission for development should be taken out of the ASCA. However, Cranbrook Town Council supported the alternative of excluding further areas proposed for development in the Cranbrook Plan. Whilst this approach was not recommended in the review due to uncertainties about the extent and timing of development, the progress of the Cranbrook Plan towards submission means that there is more certainty now. Whilst removing the proposed expansion areas from the ASCA before the Cranbrook Plan is adopted could be seen as premature the plan is at an advanced stage of preparation and removing these areas from the ASCA should make future alterations to the ASCA less likely, potentially saving time and resources.
- 3.4 Following consideration of both the review and the consultation responses to it, it is recommended that the ASCA be amended as proposed in the review, with the exception of Colyton (which should be kept in the ASCA) and Cranbrook (where both the areas with planning permission and the development areas set out in the Cranbrook Plan should be excluded from the ASCA).
- 3.5 The changes now proposed are set out in the schedules to the revised order which is included at Appendix 2.
4. Process for Reviewing the Area of Special Control of Advertisements
- 4.1 There are set legal requirements for amending an ASCA that are set out in Schedule 5 of the 2007 Advertisement Regulations. The regulations require that:
- If a LPA propose to modify an ASCA (as we do) it must make an ASCA order indicating the modifications by reference to a map annexed to the order (see Appendix 2 for the proposed order and maps);
 - 'As soon as may be' after making the order it must be submitted to the Secretary of State for approval together with two certified copies of the order, a full statement of the reasons for making it and a plan showing both the existing boundaries and the proposed modifications (See Appendix 3 for the proposed statement of reasons);
 - As soon as practical after making the order a formal notice must be published in the London Gazette and (for two consecutive weeks) in a local newspaper;
 - If any objection is properly made to the order the Secretary of State may ask for representations in writing or may (or will if requested by an interested party) provide for a local inquiry or hearing before an appointed person (a planning Inspector);
 - After considering any representations or report by an appointed person the Secretary of State may approve the order with or without modification;
 - If the order is modified at this stage a notice must be published and there will be an opportunity to make further representations or a further hearing or inquiry may be held; and
 - Following approval the LPA must publish the prescribed approval notice in the London Gazette and a local newspaper (again for two successive weeks).
- 4.2 Subject to the agreement of this Committee (and Full Council) the changes to the area covered by the ASCA as set out in the draft Order included in Appendix 2 to this report will be made as soon as possible and the necessary documents submitted to the Secretary of State for approval.

Appendix 1 Extract from ASCA consultation email January 2019

Additional information on the display of advertisements in an ASCA, AONB and a conservation area

Please note that the regulations concerning the display of advertisements are extremely complex and there are many rules about the type and size of advertisement can be displayed in various locations. As well as the additional restrictions that apply in an ASCA, there are also limitations on the display of advertisements in an Area of Outstanding Natural Beauty (AONB) or a conservation area (CA). These restrictions often overlap with those that apply in an ASCA, but there are also differences. This means that some types of advertisement would need a specific permission from the Local Planning Authority in an ASCA but not in a conservation area or AONB (examples are given below). This is significant because some of the areas we propose to take out of the ASCA are also within conservation areas (in Axminster, Beer, Budleigh Salterton, Colyton, Honiton, Ottery St. Mary, and Sidmouth). With the exception of a very small area in Budleigh Salterton we are not proposing that any of the land within an AONB is taken out of the ASCA.

The following examples are intended as a guide to the implications of removing or including land from/in the ASCA; the examples are illustrative and do not give full details of when consent is required to display an advertisement.

Main similarities for the display of advertisements in an ASCA and an Area of Outstanding Natural Beauty (AONB) or a conservation area (CA)

Removing the ASCA will not make a practical difference to the rules for displaying advertisements in these circumstances.

1. Consent is needed for illuminated advertisements on business premises in either an ASCA, AONB or a CA.
2. An advertisement flag attached to a flagstaff projecting from a building (except vertically from the roof) may be displayed without express consent (subject to various limitations) except in a CA, AONB or ASCA.
3. An advertising flag attached to a single flagstaff may be displayed within the curtilage of a building (subject to conditions) but this requires express consent in an AONB, CA or ASCA.
4. An advertising flag on a residential development site is allowed without express consent except in an AONB, CA or ASCA.
5. An advertisement may be displayed without express consent for a balloon no more than 60m above ground level, except in an AONB, CA or ASCA.
6. An advertisement may be displayed without express consent on the glazed surface of some telephone kiosks except in an AONB, CA or ASCA.

Main differences for the display of advertisements in an ASCA and an Area of Outstanding Natural Beauty (AONB) or a conservation area (CA).

Removing land from the ASCA will make a difference to the rules for displaying advertisements in these circumstances.

1. Express consent may not be granted in an ASCA for an illuminated hoarding for the display of notices relating to local events or for a directional sign for land or buildings in the locality. This is an unusually strict regulation because normally failing to meet one of the conditions just means that an application for express consent is required.

2. Advertising hoardings are allowed around operational building sites that have planning permission, subject to conditions, except in an AONB or a CA. In this case the regulations are stricter in an AONB or CA than they are in an ASCA.
3. An advertising flag may be displayed without express consent from a single flagstaff projecting vertically from the roof of a building (subject to various limitations) but in an AONB or CA the maximum height of a character or symbol allowed is 0.75m and in an ASCA this is reduced to 0.3m high
4. Express consent is not always needed to display non-illuminated signs on business premises (subject to a number of criteria), but in an ASCA the height above ground level that the advertisement may be displayed without needing express consent is 3.6m rather than 4.6m. This means that in areas where the ASCA is removed (including areas that are either CAs or in an AONB) it will be possible to display these types of signs at a higher level without needing to apply for consent.
5. Express consent is not needed for a non-illuminated directional advert relating to the premises on which it is displayed so long as it has an area of less than 0.3 square metre, is no more than 4.6m above ground level and no character or symbol is more than 0.75m high. However, this is reduced to 3.6m above ground level and the characters of symbols to no more than 0.3m high in an ASCA. This means that in areas where the ASCA is removed (including areas that are either CAs or in an AONB) it will be possible to display these type of signs at a higher level and with larger characters of symbols without needing to apply for consent. The same general rule applies (although with differing additional criteria) to:
 - an advertisement relating to a person or business carrying on a trade, profession or business at the premises where it is displayed;
 - an advert of no more than 1.2 square metres in area relating to a religious, educational, recreational, medical institution or a block of flats, club, hostel or bed and breakfast at the premises where it is displayed;
 - an estate agents for sale sign;
 - an advertisement relating to building work on the land on which it is displayed;
 - a temporary advertisement for a local religious, educational, cultural, political, social or recreational event;
 - an advertisement for demonstrating agricultural processes on the land on which it is displayed;
 - an advertisement for a travelling circus, fair or similar travelling entertainment;
 - an advertisement on the forecourt of a business premises;
 - directional signs for a residential development

Attach Council seal

East Devon District Council

Town and Country Planning Act 1990

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

County of Devon (North and East Devon Area of Special Control of Advertisements) Order

Proposed Modification 2019

East Devon District Council

Town and Country Planning Act 1990

**The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
(as amended)**

County of Devon (North and East Devon Area of Special Control of Advertisements) Order

Proposed Modification 2019

Whereas

- 1 The East Devon District Council (hereinafter called “the Council”) as Local Planning Authority have considered whether the County of Devon (North and East Devon Area of Special Control of Advertisements) Order should be modified in respect of land specified in Schedule 1 and Schedule 2 in accordance with Regulation 20 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 2 The Council have decided that the land specified in Schedule 1 should be removed from the area.
- 3 The Council have decided that the land specified in Schedule 2 should be included in the area.

Now Therefore the Council in pursuance of the powers conferred upon them by Section 220 of the Town and Country Planning Act 1990 and the said Regulation 20.

Do hereby order

- 1 That all the land specified in Schedule 1 and shown in black hatching shall be removed from the Area of Special Control for the purposes of the said regulations.
- 2 That all of the land specified in Schedule 2 and shown in black cross hatching shall be included in the Area of Special Control for the purposes of the said regulations.
- 3 That this Order may be cited as The County of Devon (North and East Devon Area of Special Control of Advertisements) Modification Order 2019.

NB. If there is any discrepancy between the description and the maps in Schedule 1 or Schedule 2 the map shall prevail. A map booklet that identifies the overall boundary of the new ASCA and includes more detailed plans of the areas affected by changes is included as Appendix 1.

Schedule 1 – Land to be removed from the ASCA

Axminster

Site AXd

The whole of the built up area of the town (except that which is already excluded) from Abbey Close, Woodbury Park and Woodbury Way in the south, to the railway line in the west, up to but excluding Axminster Football Club in the north and including Weycroft Avenue in the north and in the east to Cunningham Avenue, Bonners Glen, Threeacre Close, Upper Mead, Tigers Way, Salway Gardens, 'Endfield' on Lyme Road, Lyme Close, Morton Way and Woodbury Way.



Beer

Site BEa Land north west of New Cut including 1, 2 and 3 Pipping Court, New Cut and Shepherds Cottage, Fore Street together with part of the rear gardens of Ashcroft, Brooklyn Villa, Colebrooke House, Durham House and Spring Cottage, Fore Street.

Site BEb Land to the rear of properties fronting Fore Street and The Bakehouse, Hammnetts Court, St, Michael's Church and Mariners Hall.

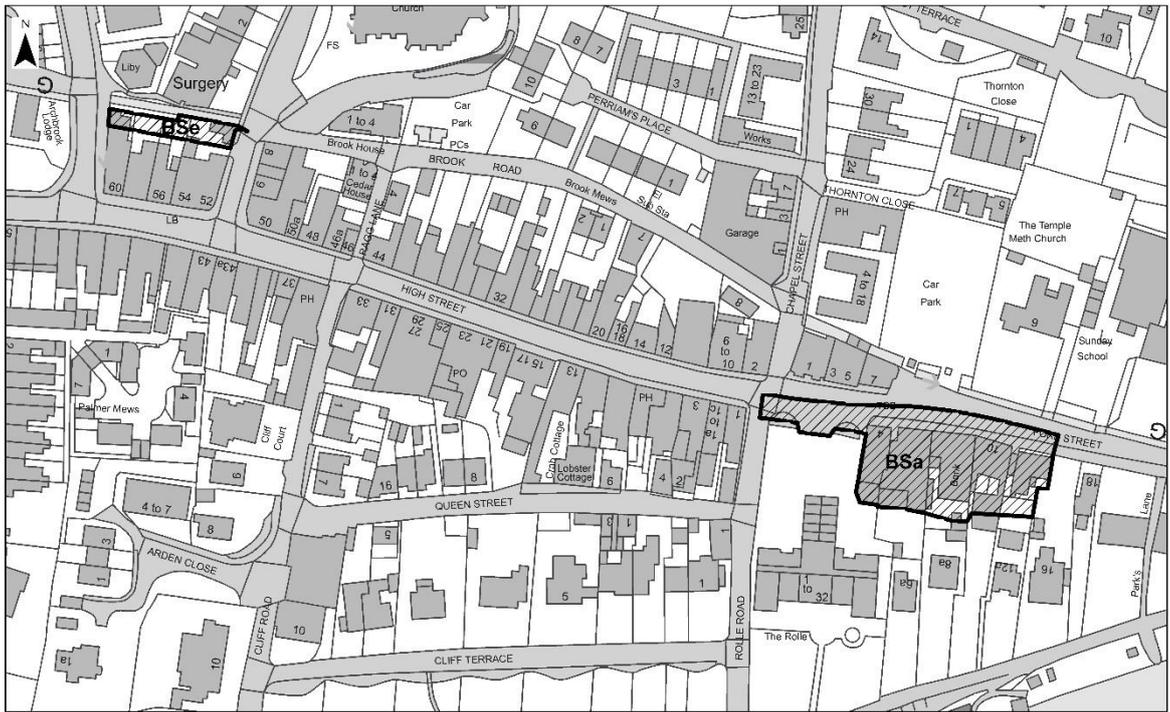
Site BEc Land to the rear of properties fronting Fore Street from 7 Gravel Cottages to Cliff House

Site BEd Hotel at Sea Hill (Anchor Inn)

Site BEe Land east of car park including The Surgery, part of Haslemere and The Dolphin Hotel.

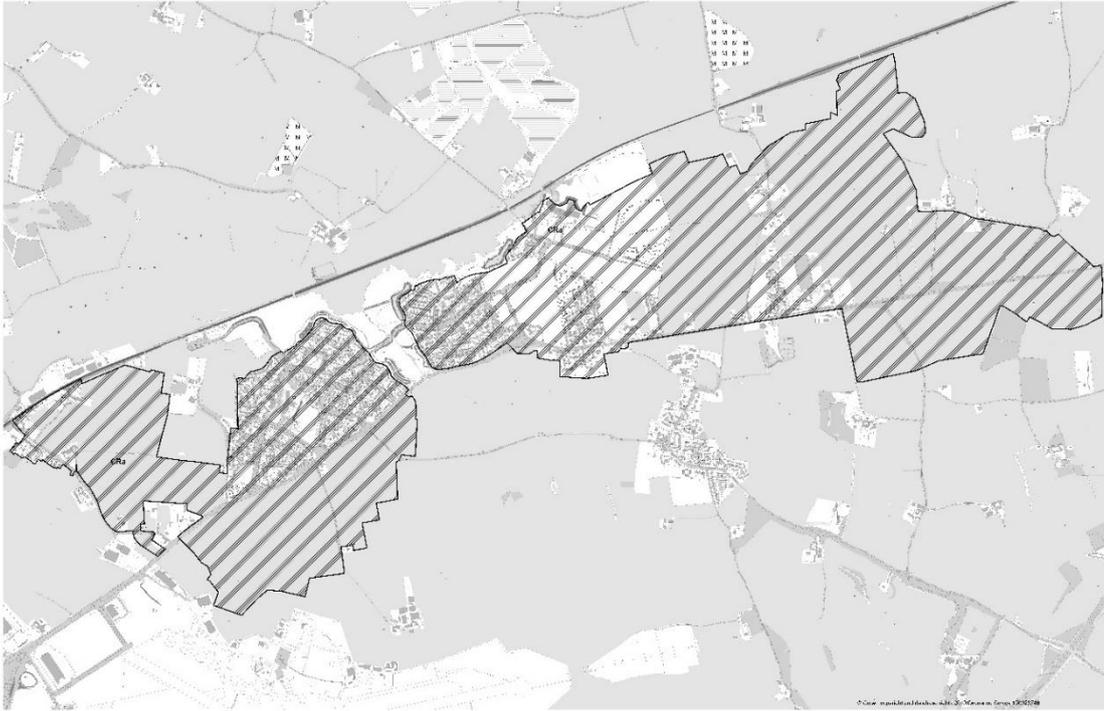
Site BSa Numbers 4 to 12 Fore Street

Site BSe land rear of numbers 52 to 60 High Street



Cranbrook

Site CRa the built-up area of Cranbrook including land with planning permission for development and land proposed for development in the submission version of the Cranbrook Plan Development Plan Document.



Exmouth

Site EXa Land north west of Dinan Way and South of Dinan Way including Chaucer Rise, Tennyson Way, Whitman Close, Byron Way, Wordsworth Close, Keats Close, Shakespeare Way, Coleridge Close and Brittany Road.

Site EXb The Liverton Business Park

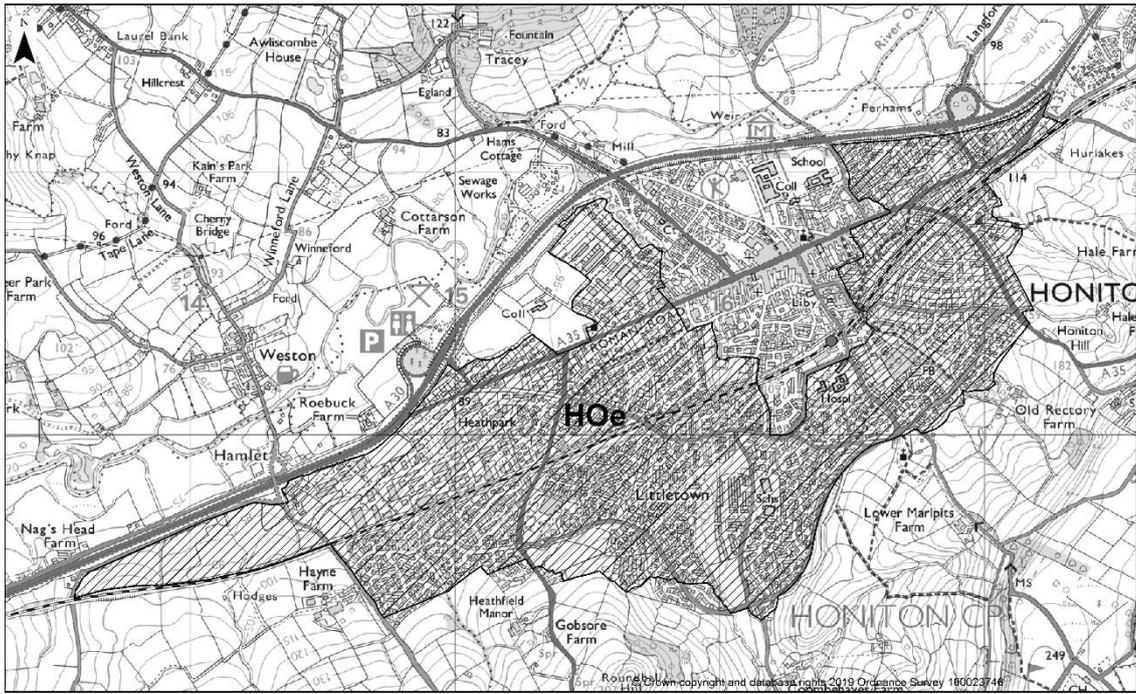
Site EXc land south of Jarvis Close, south of Buckingham Close and east of Buckingham Close and Douglas Avenue including Taylor Crescent; Lipscomb Avenue; Chamberlain Avenue; Wragg Drive; Park Drive; Chapman Road; Nicholas Way and Buckeridge Road.

Site Exe houses east of Littlemead Lane including: Three Oaks; Wentwood; Sheldrake; Sandakan; Roundwood and Meadowsweet.



Honiton

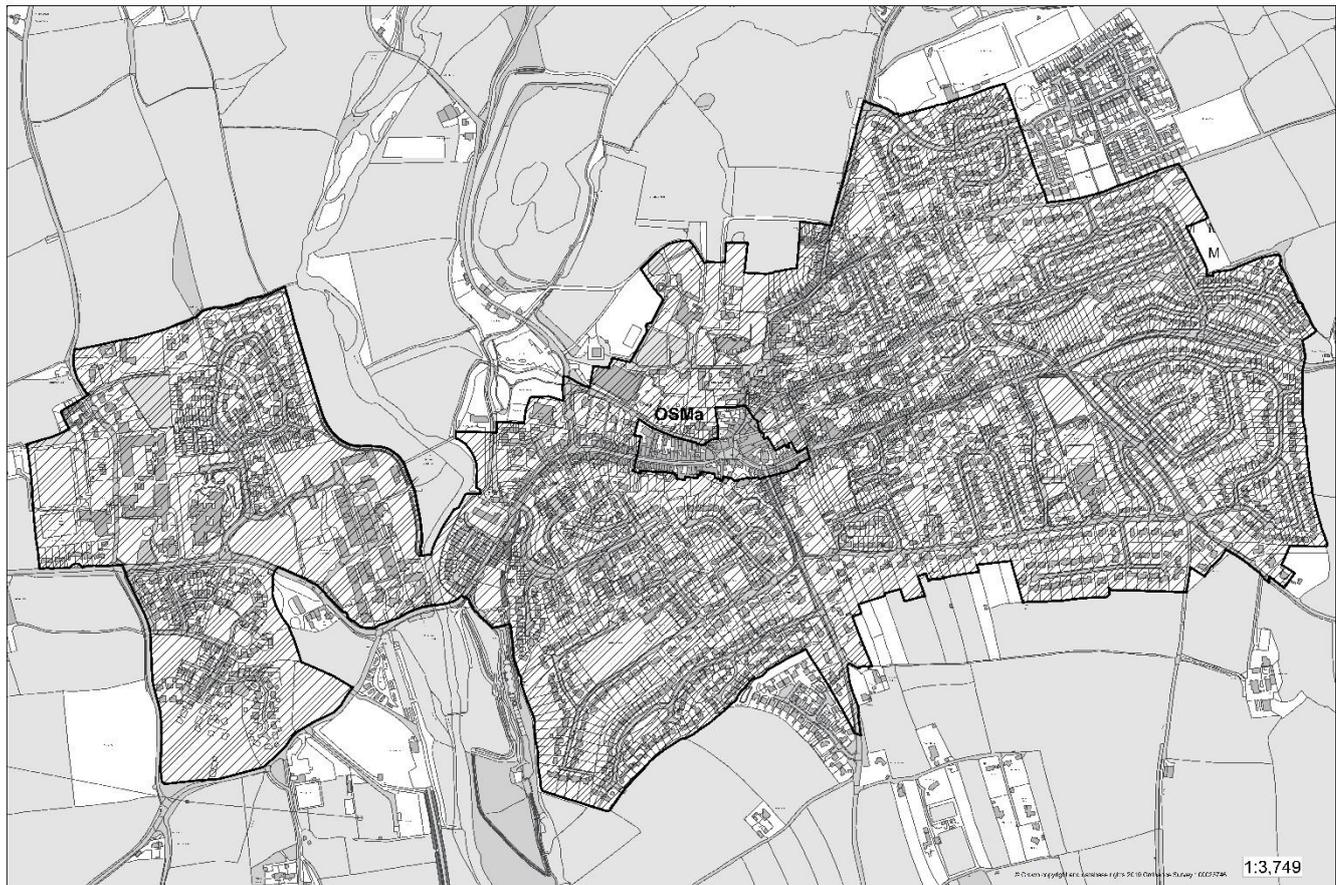
Site HOe The built up parts of the town that are not already excluded or in an Area of Outstanding Natural Beauty together with undeveloped land west of Hayne Lane and south of Battishorne Way.



Ottery St Mary

Site OSMa

The built up parts of the town as defined in the adopted East Devon Local Plan that are not already excluded from the ASCA.



Seaton Site SEa North

The built up parts of the town as defined in the adopted East Devon Local Plan that are not already excluded from the ASCA.



Sidmouth



Schedule 2 land to be included in ASCA

Axminster

Site AXa Land north west of the railway line alongside Axminster railway station

Site Ab Section of railway line and River Axe north west of Shand Part.

Site AXc Section of River Axe south west of Stoney Bridge



Beer

Site BEf land north of The Square

Site BEg Pioneer Cottages off New Cut

Site BEb land east of 18 The Meadows

Site BEi part east of Sea Hill

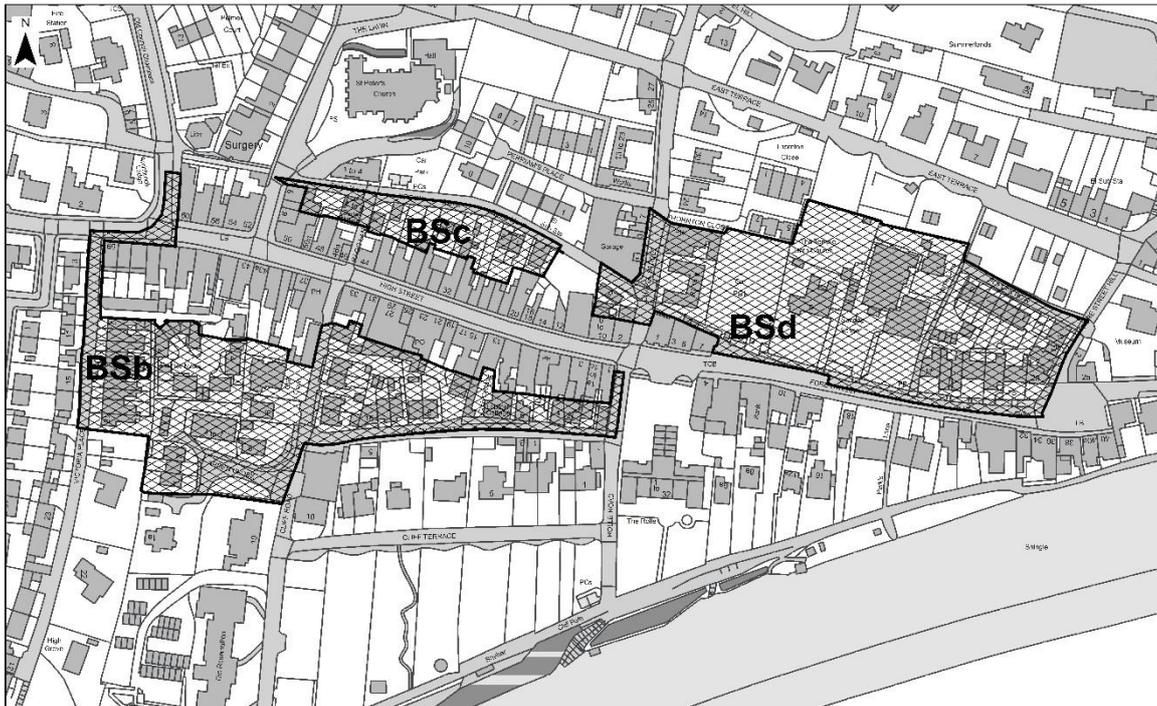


Budleigh Salterton

Site BSb Land rear of 1 High Street; numbers 2 to 16 (evens) Queen Street; Lobster Cottage Queen Street; numbers 1 to 8 Arden Close; numbers 1 to 7 Cliff Road; Cliff Court, Cliff Road; land rear of numbers 31 and 33 High Street; numbers 1 to 7 Palmer Mews; numbers 2 to 18 (evens) Victoria Place

Site BSc Cedar House, Brook Road; 4 Rags Lane; workshop to rear of 42 High Street; 1 and 2 Brook Mews; 7 Brook Road; land to rear of numbers 20 to 44 (evens) High Street.

Site BSd Rear of numbers 2 to 10 High Street (evens); 9 Fore Street; Temple Methodist Church; 1 Pebble Lane, numbers 1 to 6 Poplar Row; numbers 1 to 3 Fore Street Hill; numbers 11 to 23 (odds) Fore Street.



Path: S:\Planning_Countryside\Planning Policy\B Subject matters\30 Adverts ASC\submission docs\Maps\Proposed ASCA boundaries.mxd © Crown copyright and database rights 2019 Ordnance Survey 100023746

Exmouth

Site EXf Land north of Courtlands Lane, including: Eastergate; Greenways; Farthings; Whitecroft; Lansdown; Homeleigh and Kuni Kirei.

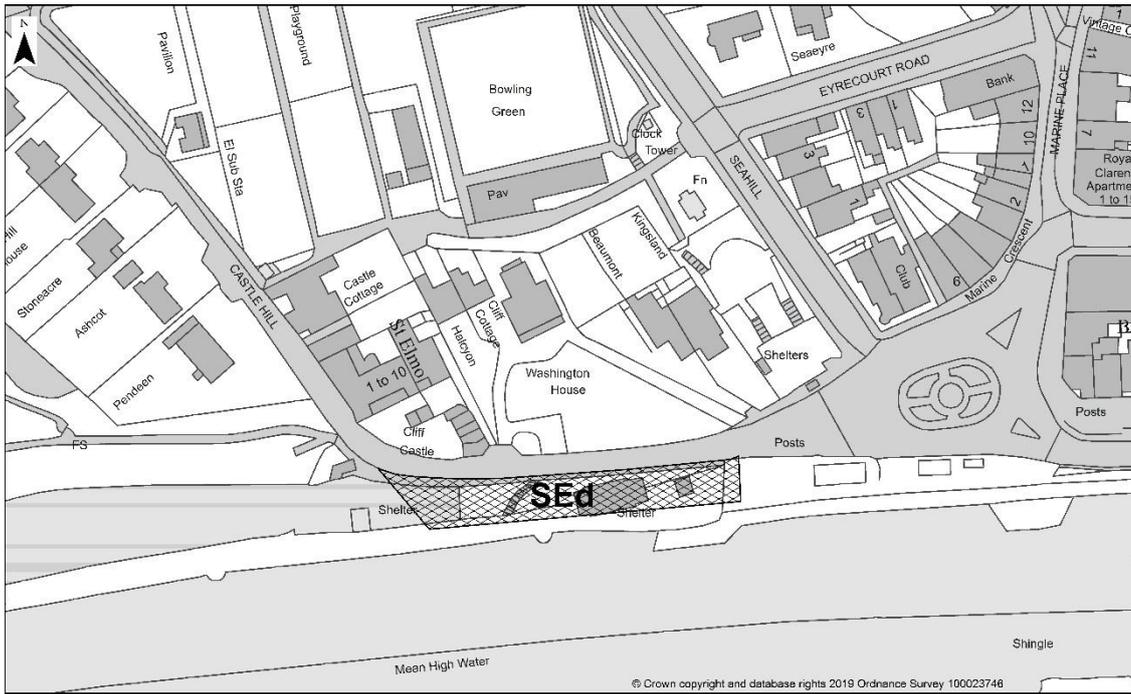
Site EXg land between railway and estuary

Site EXh



Seaton

Site SEd Land at West Walk between Castle Hill and Seaton beach including public toilets and kiosk.



Appendix 3 Draft Statement of Reasons

1.1 General points

- 1.1 The East Devon ASCA was designated in the 1960's and was last amended in 2002. Since then there have been significant changes including the expansion of urban areas, the building of a new town and designation of an Enterprise Zone.
- 1.2 A review of the ASCA has been undertaken and consulted on. The review was guided by the principle that the built up parts of the main towns (as defined in the adopted East Devon Local Plan) should be excluded from the ASCA unless they are in an AONB. The built up areas are defined in the adopted East Devon Local Plan by a 'Built-up Area Boundary' (BUAB): within the BUAB new development is generally acceptable, but outside of the BUAB new development is strictly controlled. The BUAB is therefore considered to be an appropriate means of identifying which areas of the main towns should be excluded from the ASCA. Additionally, in the village of Beer and the town of Budleigh Salterton (which is wholly inside the East Devon AONB), the boundary of the 'village centre' and the 'town centre' defined in the development plan have been used to define the areas excluded from the ASCA. None of these areas are considered to display the scenic, historical, architectural or cultural features that justify special protection on the grounds of amenity. Parts of these settlements were already excluded from the ASCA and the review has sought to justify the excluded areas on a consistent basis.
- 1.3 Matching the boundaries of the ASCA to other policy boundaries defined in the development plan also has the advantage of making it easier for practitioners and members of the public to be clear on where additional controls on the display of advertisements are in place.
- 1.4 The considerations that have led to the revised ASCA boundaries are set out on a geographical basis (in alphabetical order of the settlement names)

2 Axminster

- 2.1 The revised ASCA boundary around Axminster matches the built-up area boundary defined in the adopted East Devon Local Plan. This means that large areas of land around the town centre (which was already largely excluded) have been taken out of the ASCA (Site AXd).
- 2.2 In addition three small areas to the west of the town have been included in the ASCA on the basis that they comprise part of the rural setting of the town that is worthy of special protection (Sites AXa, b and c).

3 Beer

- 3.1 Although the village of Beer is not one of East Devon's main towns it has a thriving commercial centre, much of which was already excluded from the ASCA. The new ASCA boundary matches the 'village centre' defined in the adopted East Devon Villages Plan where there is a policy of encouraging suitable town centre uses (Policy VP02 of the Villages Plan).
- 3.2 In order to co-ordinate the boundaries of the village centre and the ASCA five areas have been excluded from the ASCA, mainly at the rear of premises fronting the main shopping street (sites BEa, b, c, d and e). In addition four small areas on the fringe of the village centre are proposed for inclusion in the ASCA (sites BE f, g, h and i). Sites BE g, h and I are extremely small and site BE g comprises residential uses similar in character to the remaining parts of the village which will be retained in the ASCA.

4 Budleigh Salterton

- 4.1 The whole of the small town of Budleigh Salterton lies within the East Devon AONB and therefore warrants special protection because of its scenic qualities. However, the town centre and some of the surrounding residential streets were previously excluded from the ASCA.
- 4.2 The overall effect of the amended Order has been to reduce the area excluded from the ASCA by including in the ASCA (sites BS b, c and d) areas that are not in the town centre (as defined in the adopted East Devon Local Plan). A smaller area (site BSa) has been taken out of the ASCA due to its commercial character and identification within the town centre.
- 5 Cranbrook
- 5.1 The new town of Cranbrook is under construction and is expected to expand until at least 2031. The revised Order excludes all of those areas with planning permission and the expansion areas identified in the submission version of the Cranbrook Plan. This approach has been supported by Cranbrook Town Council and will allow the planned urban expansion to continue without a need for future revision of the ASCA.
- 6 Exeter and East Devon Enterprise Zone
- 6.1 The Exeter and East Devon Enterprise Zone is located in East Devon and comprises four geographically distinct sites: Sky Park; Science Park; Airport Business Park and Cranbrook Town Centre. The ASCA designation is not compatible with the simplified planning regime that applies in an enterprise zone and the character of these areas no longer justifies the ASCA designation.
- 7 Exmouth
- 7.1 The ASCA in Exmouth was last amended in the 1980's to reflect the built-up area of the town as it was then. Three large and one small areas that are either developed or allocated for development in the adopted East Devon Local Plan have been removed from the ASCA (sites EXa, b, c and e). In Exmouth there are four sites within the BUAB that are also within the East Devon AONB (sites EXh, i, j and l in the review document). These have been retained in the ASCA due to their scenic value and AONB status.
- 7.2 As part of the review one large and two small sites were identified as suitable for inclusion in the ASCA (sites EXf, g and k). Site EXk comprises predominantly agricultural land that contributes to the attractive setting of the town, site EXf forms a slither of undeveloped land alongside the Exe Estuary and site EXg comprises a small group of low density housing at the northern edge of the town. All of these sites lie outside of the BUAB and warrant the additional protection of the ASCA. The modified ASCA boundaries are supported by Exmouth Town Council.
- 8 Honiton
- 8.1 The town centre was previously excluded from the ASCA together with some adjoining residential areas and the secondary school. In Honiton there are three small areas within the BUAB that are in the East Devon AONB (sites HOa, b and c in the review document). These have been retained in the ASCA due to their AONB status. All of the other parts of the town that are within the BUAB have been removed from the ASCA in line with the general principles that guided the review.
- 8.2 No areas were identified for inclusion in the ASCA.
- 9 Ottery St. Mary

9.1 Only the town centre was previously excluded from the ASCA (it was taken out in the 2002 modification). In line with the general principles that guided the review the whole of the area within the BUAB has been removed from the ASCA. No areas were identified for inclusion in the ASCA.

10 Seaton

10.1 Previously the town centre and some surrounding residential and industrial/commercial areas were excluded from the ASCA. In accordance with the general principles on which the review was based the whole of the areas within the BUAB has been removed from the ASCA (Sites SEa, b and c). In addition one small area fronting the beach has been removed from the ASCA on the basis that it lies outside of the BUAB and forms part of the coastal setting of the town.

11 Sidmouth

12.1 The areas of Sidmouth previously excluded from the ASCA included the town centre and some surrounding commercial/residential areas. The whole of the area within the defined BUAB that is not in the East Devon AONB has now been removed in accordance with the reviews guiding principles. No additional areas have been included in the ASCA.



Report to:	Strategic Planning Committee
Date:	10 th June 2019
Public Document:	Yes
Exemption:	None
Review date for release	None
Agenda item	8

Subject: **Planning Appeals Status Report**

Purpose of report: The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2018 to 31st March 2019.

Recommendation: **That Members note:**

- 1. That the Council's success rate on planning appeals over the last year has improved from 64.3% in the 2017 – 18 Monitoring year to 72.2% over the last year.**
- 2. The trends in appeal decisions identified in the report particularly the substantial harm that needs to be identified to successfully defend the refusal of household extensions.**

Reason for recommendation: To ensure that Members are appraised of the Council's current performance in respect of planning appeal decisions.

Officer: Chris Rose – Development Manager – Planning Tel; 01395 517419
email CHRose@eastdevon.gov.uk

Financial implications: No additional financial implications other than those stated within the costs section within the body of the report

Legal implications: There are no legal implications other than as noted in the report.

Equalities impact: Low Impact

Risk Low Risk

Links to background information: <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

1.0 Background

This report details the performance of the Development Management Team with regard to planning appeals for the period of the 1st April 2018 to the 31st March 2019.

- 1.2 For the purposes of this report, and in accordance with Central Government’s system of monitoring and reporting on appeal performance, the figures/indicator include only those appeals against the Council's decision to refuse planning permission. It does not include planning appeals against conditions or non-determination. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals, appeals in respect of prior approval applications and works to protected trees. A partially allowed appeal or a split decision is counted as an appeal allowed. This is in accordance with Central Government’s system of monitoring performance of appeals.
- 1.2 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council received 54 appeal decisions from 1 April 2018 to 31 March 2019 which are subject to the performance indicator. This is not the total number of appeal decisions received, which includes all other types of appeal as stated above.

National appeal statistics (Figures taken from the latest Planning Inspectorate Statistical Report updated 13 February 2019)

Planning appeals including Householder Appeals (HAS)

Year	Decided	Allowed	% Allowed
2015 - 2016	14489	4927	34.0
2016 - 2017	16444	5758	35.0
2017 - 2018	15267	5159	33.8

East Devon appeal statistics

Planning appeals including householder appeals (HAS)

Year	Decided	Allowed	% Allowed
2015 - 2016	55	12	21.8
2016 - 2017	64	22	34.4
2017 - 2018	42	15	35.7
2018 - 2019	54	15	27.8

2.0 Analysis

- 2.1 The majority of the appeals were dealt with by means of written representations, with 48 having been determined on that basis. Informal Hearings were held for 5 of the appeals and 1 appeal dealt with by means of an Inquiry. Included within the written representation appeals were 7 appeals which followed the householder appeal process (*appeals in respect of householder applications do not always follow this procedure; for example where there is a linked Listed Building Consent appeal*).

- 2.2 From the 54 decisions received, 15 of the appeals were allowed which equates to 72.2% of appeals against the Council's decision to refuse planning permission being dismissed.
- 2.3 This figure is an improvement on that for 2017–2018 and is higher than the national average as published by the Planning Inspectorate in their statistics of 67%. The success rate also exceeds the Council's imposed performance indicator of 70% for dismissed appeals.

Planning issues/policies and trends

- 2.4 The figures need to be studied in more detail to establish whether there has been any significant change in the decision making process or if there is any particular planning issue(s) and interpretation of policy which can be attributed to those decisions of the Council which were overturned and can be learnt from.
- 2.5 The appeals which were allowed resulted from 12 applications with delegated decisions and 3 applications decided by the Development Management Committee. Of those 3 applications determined at Committee, 1 was refused contrary to officer recommendation.
- 2.6 There have been 5 appeals related to dwellings in the countryside. One of the allowed appeals (17/0614/VAR), followed the Council's decision to refuse an application for the variation of a condition on a previous planning permission to enable the unrestricted residential occupation of an existing annexe. During the course of the appeal, revisions were made to the NPPF which was published in July 2018. Paragraph 79 of the updated Framework states that isolated homes in the countryside should be avoided unless, amongst other things, the development would involve the subdivision of an existing residential dwelling. The Planning Inspectorate sought the opinion of the LPA on this revision and the Council had to concede that the proposal now accorded with Government Policy introduced since the appeal was dismissed. Other than recognising that changes to Government Policy during an appeal can impact upon its outcome, there is no further learning from this case.
- 2.7 Another of the allowed appeals (17.2506.VAR) was in respect of the variation of a condition to change a holiday let use to unrestricted residential occupation in the vicinity of the village of Farway. In this case, the Inspector deciding the appeal acknowledged that there are limited facilities and services in the immediate locality although the closest settlement of Church Green, containing Farway Primary School, was less than a mile away from the site. The Inspector considered that the site was in an appropriate location for permanent residential occupation and, as the building was already in a residential use and would not result in new building in the countryside, the proposal accorded with the general thrust of paragraphs 78 and 79 of the Framework.
- 2.8 In deciding a similar proposal at appeal (17/2677/VAR), just outside of the village of Northleigh and 1km to the south east of the site referred to above, the same Inspector dismissed the appeal on the basis that the site was in an unsustainable location served by very few services and facilities. Two further similar appeals in respect of sites at Otterton (17/2976/FUL) and Membury (17/1385/VAR), which were decided by different Inspectors, were both dismissed on the basis of the unsustainable location of the sites.
- 2.9 It is difficult to identify any trends to these appeals. The Council correctly arguing that 3 of the locations were unsustainable but losing the other. These appeals back up the correct application of planning policies to the particular circumstances and location of each application.
- 2.10 One of the Informal Hearing appeals upheld (16/2848/MFUL) related to the loss of a site in Exmouth from community/employment use to residential. The Inspector upheld the appeal and granted planning permission on the basis that the site was no longer valuable to

community and employment needs as these services had been re-provided elsewhere and the site had been vacant for 5 years. Whilst this is only one appeal decision, it demonstrates the weight that the Inspectorate give to the provision of housing on undesignated employment sites and may result in it being difficult for the Council to resist the loss of similar non-designated employment sites to residential use where the employment has been re-provided elsewhere and the site has been vacant for a number of years. One of the Informal Hearings where the appeal was dismissed (17/1539/MFUL) for residential use of a designated employment site demonstrates that it is easier to defend appeals for residential use on employment sites that are designated within the Local Plan.

2.11 Considering the remainder of the allowed appeals, there does not appear to be any specific planning consideration/issue or policy that can be attributed to the Council's decisions being overturned.

Appeal types and trends

2.12 Of the 39 appeals which were dismissed, 37 were the result of delegated decisions and 2 of the applications were decided by the Committee, following officer recommendations to refuse.

2.13 Appeal decisions by procedure type –

	Dismissed	Allowed	%Dismissed
Written Representation	36	12	75.0
Hearing	2	3	40.0
Inquiry	1	0	100.0

2.14 Appeal decisions by application type -

	Dismissed	Allowed	%Dismissed
Q13 Minor dwellings	25	4	86.2
Q21 Householder	4	7	36.4
Q18 All other minor developments	2	1	66.6
Q20 Change of use	4	1	80.0
Q07 Small major dwellings	3	1	75.0
Q12 All other small major developments	1	1	50.0

2.15 The largest sample of 29 decisions in respect of minor dwellings, produced a high success rate of 86.2% of appeals dismissed.

2.16 The next largest sample of 11 householder appeals reflects a poorer success rate of 36.4% appeals dismissed, however, 4 of the allowed householder appeals did not follow the Householder Appeals Service (HAS) procedure. The smaller sample of 7 appeals which did follow the HAS procedure produced a higher success rate of 57.2% appeals dismissed.

2.17 Looking at the statistics from the Planning Inspectorate over the last 3 years, the number of appeals allowed which were dealt with under the HAS procedure alone were higher than the overall national average and varied between 38 to 40% (60 to 62% dismissed).

2.18 In analysing HAS appeal decisions, it is increasingly evident that Inspectors deciding these appeals have to consider that the proposal would result in having a substantially harmful/adverse impact on the amenity of neighbours or the character and appearance of the area for a refusal of planning permission to be substantiated and an appeal to be dismissed.

Going forward Officers and Members need to be mindful that to justify refusal of a householder application, the harm needs to be very significant with the Inspectorate likely to grant planning permission where there is some harm but it is not severe.

- 2.19 Although the Council has performed well in respect of appeals for minor dwellings, there are no other particular trends which can be established from the decisions based on the application type and most of the samples are too small to represent a true indicator.

Appeals allowed and dismissed by type

2.20 Appeals allowed -

15 Decisions, including:-

- 12 Delegated decisions
- 1 Committee decision contrary to officer recommendation
- 12 Written representations
- 3 Informal hearing
- 7 Householder applications
- 1 Small major dwellings (10 units)
- 2 Single residential dwellings
- 1 Split decision
- 1 Variation of condition to change holiday let to unrestricted residential occupation

2.20 Appeals Dismissed -

39 Decisions, including:-

- 37 Delegated decisions
- 2 Committee decisions
- 36 Written representations
- 25 Minor dwellings
- 2 Informal hearings
- 1 Inquiry
- 4 Householder applications
- 2 Small Major dwellings
- 3 Variation of condition to change holiday let to unrestricted residential occupation

- 2.21 There are no other particular trends that can be identified from these figures.

3.0 Costs Applications

- 3.1 There can be financial implications in relation to cases where an application for costs is made.

- 3.2 Applications for an award of costs can be made by either party in respect of all appeals. An award of costs will only succeed in the event that the Inspector determining the appeal had considered that a party had acted unreasonably.

- 3.3 If a planning application is refused, the reasons given have to be both justified and defensible. It is most likely that an application for an award of costs against the Council would

be successful in cases where an appeal is lodged and the reasons for refusal cannot be substantiated.

- 3.4 The Inspector determining an appeal can award costs against either party, with or without an application for costs having been made, if it is considered that unreasonable behaviour has occurred.
- 3.5 There has been 3 applications for a full award of appeal costs against the Council which were all refused.
- 3.6 The Council made 1 application for a full award of costs against an appellant which was refused.

4.0 Conclusions

- 4.1 The Council has achieved an appeal success rate which is higher than the National average, higher than the Council set performance target and an improvement on the preceding year.
- 4.2 Appeal decisions are constantly being analysed to ensure that any changes in accordance with National Planning Policy are implemented and that decisions on planning applications are made in accordance with current Government Advice.
- 4.3 One of the appeals allowed was a direct result of a change in Government Policy following the Council's decision to refuse the application (see para. 2.6 above). There has not been any other significant change in Policy over the last twelve months which can be attributed to the Council's success rate over that period.
- 4.4 It is clear from the appeal decisions that there has to be a significant level of harm from a house extension for the Planning Inspectorate to uphold a refusal of planning permission and this needs to be recognised by Planning Officers and Members when making recommendations and determining Householder planning applications.
- 4.4 When a decision is made to refuse an application, the reasons have to be well substantiated, robustly supported by adopted policies and in accordance with Government advice.



Report to: **Strategic Planning Committee**

Date of Meeting: 10 June 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **East Devon Guide for the Listing of Local Heritage Assets**

Purpose of report: To advise Members on the outcome of the public consultation on the draft East Devon Guide to the Listing of Local Heritage Assets

Recommendation: **That the draft East Devon Guide for the Listing of Local Heritage Assets be adopted, subject to amendments arising from the consultation as set out in this report.**

Reason for recommendation: To gain formal approval of the amended East Devon Guide for the Listing of Local Heritage Assets.

Officer: Jacqui Best, Planning Policy Officer

JBest@eastdevon.gov.uk; 01395 517483

Financial implications: The provisions for accounting for Heritage Assets introduced in Financial Reporting Standard (FRS) 30 and adopted into FRS 102 will apply to all heritage assets that are held and maintained by the District council

Legal implications: There are no legal implications other than those set out in the report

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: Consultation Details:
<http://eastdevon.gov.uk/planning/planning-policy/heritage-strategy-and-draft-local-list-guide/draft-local-list-guide/>

EDDC (2018) draft Heritage Strategy
<http://eastdevon.gov.uk/planning/planning-policy/heritage-strategy-and-draft-local-list-guide/heritage-strategy/>

DGLC (2018) National Planning Policy Framework: 16. Conserving and enhancing the historic environment; Annex 2: Glossary
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

DGLC (2014): National Planning Practice Guidance: Conserving and enhancing the historic environment, paragraph 006
<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

Historic England (2016), Local Heritage Listing; Historic England Advice Note 7 <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag018-local-heritage-listing/>
Historic England (2015) Historic Environment Good Practice Advice in Planning Note 1 <https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1/>

Link to Council Plan: [Delivering and promoting our outstanding environment](#)
[Encouraging communities to be outstanding](#)

Report in full

On 29th January 2019, Members of the Strategic Planning Committee agreed to a public consultation on a draft East Devon Local List Guide for six weeks from 6th February – 19th March 2019, in accordance with the adopted Statement of Community Involvement.

The guide advises local communities on the identification and assessment of non-designated heritage assets for inclusion on a local list. It will be of interest in particular to specialist local history groups and neighbourhood planning groups in the formulation of plans for their local area. The title of the guide been changed in response to comments received on the consultation.

1. What is a Local List?

- 1.1 Heritage assets may be nationally designated assets, such as Listed Buildings or Registered Parks and Gardens, internationally inscribed assets such as World Heritage Sites, or more locally important ‘non-designated’ assets. The latter are identified by the local planning authority and recorded on a ‘local list’. The purpose of a local list is to identify high quality, locally significant built or landscape features that are not subject to any other heritage designations.
- 1.2 High levels of neighbourhood planning in East Devon are helping to focus communities on what features of their environment are highly valued and add to local distinctiveness. While the responsibility for including heritage assets on the local list lies with the Council, it is often at the neighbourhood level that locally valued heritage features are identified and it is important to adopt an approach that makes best use of this resource.
- 1.3 The impact of development proposals on all heritage assets must be considered when preparing plans, including neighbourhood plans, and in assessing planning applications. When planning applications are submitted, any implications for heritage assets included on the local list must be taken into account when a decision is made.
- 1.4 However inclusion on the list will not automatically mean refusal of any application that involves its alteration or loss. National policy advises that heritage assets should be conserved in a manner appropriate to their significance. In weighing an application that may affect a non-designated asset, a balanced judgement is required regarding the scale of any harm or loss and the significance of the asset.
- 1.5 Policy EN8 of the adopted East Devon Local Plan requires applicants to provide an ‘Assessment of Significance’ to understand the potential impact of proposals on any heritage asset, including those identified on the local list. There are no additional restrictions or planning controls over alterations or demolition on locally listed heritage assets.

2. Why do we need a guide for the listing of local heritage assets?

- 2.1 Local Planning Authorities are required to set out a positive strategy for the conservation and enjoyment of the historic environment in their Local Plan. (NPPF paragraph 182). East Devon District Council has produced a Heritage Strategy for 2019 – 2031 that has recently been adopted. It recommended the production of a local list guide, and following this, for a local list to be established.
- 2.2 Policy EN8 of the adopted Local Plan requires locally listed (or non-designated) assets to be taken into account when developing a proposal, but it is difficult for applicants to identify these in East Devon at the current time and for neighbourhood planning groups to know what is locally listed in their area.
- 2.3 We have no formal mechanisms in place for considering community requests for additions to the local list. In practice, at the moment, non-designated heritage assets tend to be identified through the development management process when it is more difficult for the significance of the asset and its setting to be taken into account when development proposals are planned.
- 2.4 The East Devon Local Development Scheme endorsed by the Strategic Planning Committee in July 2018 includes the following for production during 2018 – 19: “East Devon Local List – this guidance will set out processes we will follow to establish, working with local communities, lists of buildings and features that although not of national importance are of recognised value and are worthy of protection”.
- 2.5 Work being undertaken on neighbourhood planning, together with initiatives by amenity groups such as Sid Vale Association and the Otter Valley Association has resulted in significant numbers of assets being put forward for consideration for local listing. It is important that assets nominated for the local list are judged against firm selection criteria so that the process is consistent and so that the list is not devalued.
- 2.6 The Heritage Strategy recommends working more with local communities, starting with pilot schemes in specific geographic areas. Local listing assessment may take place initially in specific areas as part of such a pilot scheme. Approval of the draft amended guide at this stage will be beneficial for the delivery of the Heritage Strategy.

3. What does the draft East Devon Guide for the Listing of Local Heritage Assets say?

- 3.1 The amended document is appended to this report. It explains what designated and non-designated heritage assets are and sets out the reasons for, and benefits of, producing a local list.
- 3.2 In accordance with Historic England guidance the guide includes an overarching statement for East Devon that sets out key elements of historic distinctiveness for the district that helps to develop the local selection criteria that are included. The local selection criteria are based on those set out in the Historic England Advice Note 7 but are adapted to suit the particular characteristics of East Devon.
- 3.3 In addition to selection criteria, the draft guide sets out a procedure by which nominations for heritage assets to be included on the list will be assessed. All nominations need to follow a prescribed form that includes a location plan, photograph and any evidence to support the asset meeting at least one of the selection criteria set out in the guide.

- 3.4 The assessment procedure requires that nominations for items on the list are made by town and parish councils, ward members, neighbourhood planning groups and properly constituted local amenity groups. Individuals may make nominations through any of these groups or ward members.
- 3.5 The groups described will be responsible for gathering evidence to support a nomination, consulting with owners and local communities (and occupiers where relevant), and nominating item/s or a shortlist of proposed assets to the Council. Comprehensive surveys by these groups are to be particularly welcomed, especially if local people have been encouraged to take part in the process.
- 3.6 In some circumstances it may be appropriate for the Council to consult with an owner (and occupier where relevant) of an asset to be nominated for consideration, for example where there is inconclusive evidence of community consultation, where circumstances may have changed, or where complexities have become apparent.
- 3.7 Once submitted, the Council will consider nomination/s and make a decision on whether the item/s will be included on the local list. The final ratification of assets for the local list will be made by the Service Lead for Planning, having sought views as appropriate from colleagues.

4. Resource Implications

- 4.1 The guide will establish the criteria that need to be considered to allow an item to be put on to the list (the process side). For an asset to get onto the list, details will need to be submitted and a decision made on each item. The responsibility for providing evidence of an asset meeting the criteria rests with the nominating group, as well as consultation with owners and occupiers (where known) and with the local community.
- 4.2 Once nominations have been received by the Council, there are resources within the policy team that can help to process information from submitted lists, especially where there are many items to be assessed.
- 4.3 Where a local group or council has nominated many items for a list through a rigorous process, Council staff may request further detail on that process from the organisation, or for further information to be gathered, to ensure that minimum time is needed to make a decision on nominations for the list.
- 4.4 To enable work on the list to proceed, the Heritage Strategy also recommends that initially a pilot is undertaken within a specific geographical area to make that work manageable. At the same time, the process can be monitored to establish future timescales for submitted items for the list and inform the delivery plan of the Heritage Strategy.
- 4.5 The Council will aim to process nominations for the list within a maximum of three months from receipt of a nomination. This may vary according to the delivery plan of the Heritage Strategy.
- 4.6 There will also be a need to plot entries onto the GIS system and ensure that the system is regularly updated, which will require technical input. This will help to identify the items on the list for planning considerations.

4.7 The guide will save time in respect of giving clarity to people about how to nominate an asset and what information needs to be provided. Overall the establishment and maintenance of the list could be expected to place some extra work on Council staff but it will:

- Provide a valuable local resource (relevant to both planning and historic interests)
- Help local communities in their work, especially in Neighbourhood Planning
- Assist those preparing applications
- Assist with the determination of planning applications
- Save time in the preparation and determination of development proposals
- Promote understanding, to help conserve and enhance our heritage assets
- Strengthen a 'sense of place' and local distinctiveness
- Be helpful in strategic planning

5 Public Consultation Report

5.1 A six week public consultation on the draft Local List Guide was completed during 6th February - 19th March 2019, in accordance with the adopted Statement of Community Involvement. (The title has been changed in response to comments received on the consultation).

5.2 716 consultees were invited to comment on the document. The comprehensive list of consultees included a range of statutory bodies, private companies (including builders and developers), land owners, agents, voluntary groups, civic and historic societies, local amenity groups, town and parish councils, neighbourhood planning groups, neighbouring local authorities, East Devon District Council Members and Members of Parliament.

5.3 There were 20 responses to the consultation, 17 with comments. Two of these comments comprised items put forward for listing with no comment on the document. All comments are published on the EDDC website (see links to background information).

5.4 Of the 15 comments made on the document, 3 were from parish councils, 2 from town councils, 6 from local amenity or heritage groups, 1 from a statutory consultee, 2 from agents and one from an internal EDDC department.

5.5 All comments are supportive of the guide and many constructive comments and suggestions were made. The consultation suggested 5 questions to consider and responses were mainly structured around those questions. All comments have been considered in detail and the draft guide amended where appropriate, with most suggestions incorporated into the final document. A summary of the amendments made is provided in **Table 1**.

5.6 The amended guide is appended to this report.

TABLE 1		
Consultation Question	Feedback summary:	Response to Feedback:
<i>Question 1: Are there any features missing from the description of East Devon historic distinctiveness, and how could this be improved?</i>	<p>Most respondents were satisfied with the overview provided, however suggestions were made to add reference to:</p> <ul style="list-style-type: none"> •The range of archaeological assets and the number currently recorded on the Devon HERS (20,685), •Areas of historic landscape significance, whether designed or a particularly intact medieval field system or an historic orchard, •Important historic hedge banks and other local boundary treatments. <p>Amendments were suggested to para 4.10</p>	<p>All additions and amendments made. More information on the Devon Historic Environment Record added to the introduction.</p>
<i>Question 2: Are any factors missing from the criteria for inclusion on the list, and if so what would you add?</i>	<p>Most respondents were satisfied that the criteria list is complete, however a suggestion was made to amend one criterion to include natural features which have evolved, as well as those which have been specifically designed, by a community that would like to register treescapes as a key local feature.</p> <p>A suggestion was made to reference Historic England's designation selection guidance, with information on a range of heritage asset types and how to consider their significance.</p>	<p>There is a criterion relating to designed landscapes. After researching national and local legislation, policy and guidance relating to trees, forests, hedgerows and landscape characterisation it is felt that the local list would not be the appropriate place to highlight this interest, so the criterion has not been amended. The neighbourhood plan is a more appropriate place for the identification of, and local policies for, such natural landscapes.</p> <p>Further, there would not be the scope or resources within the Council to consider the potentially large number of additional nominations for local listing as heritage assets.</p> <p>These references have been added</p>
<i>Question 3: Is the proposed selection fair and reasonable and how could it be improved?</i>	<p>They were generally considered to be fair and suitable, however suggestions were made to:</p> <p>Use the word 'significance' rather than value or interest (for criteria).</p>	<p>The NPPF glossary defines the term 'significance' (in heritage policy) to describe "the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic."</p>

	<p>Change the wording so that nominations need to meet <i>at least</i> one of the selection criteria</p> <p>Amendment suggested to para 5.6 on Mark Rolle</p> <p>Amendment suggested to para 5.6 on Hatchard Smith</p>	<p>Historic England in Conservation, Principles, Policy and Guidance (2008) explains that significance is the collective term for the sum of all the heritage values of a place, which may be assessed through evidential, historic, aesthetic and communal categories.</p> <p>Thus the terms 'value' and 'interest' as used by Historic England and in the NPPF to describe components of what makes up 'significance' are not changed in the document, to maintain consistency between the processes of assessment and to aid understanding.</p> <p>Wording changed</p> <p>Amendment made</p> <p>Amendment made</p>
<p>Question 4: Should any other amenity groups be added to the list shown in Appendix 2?</p>	<p>Four suggestions were made</p>	<p>All suggested groups added</p>
<p>Question 5: Is the proposed document clear and easy to understand or how could it be improved?</p>	<p>Most respondents found the document clear and easy to understand. Suggestions were made to clarify the following points:</p> <ul style="list-style-type: none"> • The range of heritage assets (their status – whether national or local, listed or not) • Historic Environment Records: the number and their value, their role under national policy • Whether archaeological sites and monuments are intended to be included • Include 'heritage assets' in the document title • Improved wording to paragraphs 1.1, 1.3 and 1.5 to make clearer • Include nomination form as an appendix 	<p>All suggestions actioned and amendments made</p>

	<ul style="list-style-type: none"> • Include policy EN9 in appendix 1 (as referred to in policy EN10) 	
Assessment procedure comments	<p>Allow individuals to nominate local heritage assets</p> <p>In paragraph 8.1, specify how an individual could make an asset nomination, or if they should a group or council member to represent them.</p> <p>In order to have some filtering, ideas should be put forward to the local parish council or local history group.</p> <p>LAs may receive nominations via periodic submission rounds, sometimes external expert panels are used to review the proposals, so less resource intensive.</p> <p>Consultation with the local community:</p> <p>Procedure 4: change wording from should to will consult (<i>with the owner</i>) and at this stage the local community change may to will be consulted on a shortlist of nominated assets</p> <p>Procedure 5: provide the Council with any written comments from the owner and occupier and community consultees where relevant</p> <p>Procedure 6: Add: Council undertake public consultation on the draft Local List and consider the responses</p> <p>Use the Devon HER as the principal platform for making a Local List publically available.</p> <p>Paragraph 8.5: 3 years seems overly restrictive and unreasonable. If new or further information comes to light following a rejection, one should be allowed to ask for the listing to be reconsidered.</p>	<p>Paragraph amended to specify how an individual could make an asset nomination by submitting a nomination proposal to one of the specified groups or ward members.</p> <p>Comment noted for future consideration where there is scope to receive proposals through an external expert panel. NB. The strategic lead for planning will sign off the nominations but may choose to defer to technical experts or expert panel.</p> <p>Item partly amended: <i>should</i> to <i>will</i> changed; <i>may</i> changed to <i>should</i>; “on a nominated asset” retained and not deleted.</p> <p>Item amended as suggested.</p> <p>Item not amended, there are no resources for this additional stage.</p> <p>To be agreed with the Devon County Council Historic Environment Record Team.</p> <p>Considered and changed to “within the previous 12 months”</p>
Other comments and suggestions	Paragraph 6.1 – another source could be the delisted buildings from the statutory list	Added to document

	<p>Provide a readable summary leaflet</p> <p>Some parishes may struggle to find local historians and may not have a historical society to help.</p> <p>Ensure land and property owners consulted on the document</p> <p>Note within guidance that a separate proposal exists for the listing of Assets of Community value</p> <p>Provide a single page checklist at end of the guide scheduling minimum requirements for any submission</p>	<p>To be considered subject to resources</p> <p>Sources of information have been added to the document, particularly Historic England's comprehensive guides and the Devon Historic Environment Record.</p> <p>716 consultees were invited to comment on the document. The comprehensive list of consultees included land and property owners and agents (see Table 2).</p> <p>Paragraph 1.12 added</p> <p>A nomination form has been added to the guide in Appendix 3 which includes the minimum requirements for any nomination.</p>
--	---	--

Planning policy

East Devon Guide

for the Listing of Local Heritage Assets

Draft



June 2019

Contact details

Planning Policy
East Devon District Council
Blackdown House,
Border Road,
Heathpark Industrial Estate,
Honiton.
EX14 1EJ

Phone: 01395 516551

Email: Planningpolicy@eastdevon.gov.uk

www.eastdevon.gov.uk

To request this information in an alternative format or language please phone 01395 516551 or email csc@eastdevon.gov.uk

Contents

1	Introduction.....	1
2	National planning policy framework	3
3	Local Plan policy.....	3
4	Overarching statement	4
5	Criteria for inclusion on the local list.....	6
6	Identifying potential assets.....	8
7	Local heritage list cycle.....	8
8	Assessment Procedure.....	9
9	The effect of inclusion on the local list.....	11
	Appendix 1: Adopted East Devon Local Plan policies	12
	Appendix 2 List of local amenity organisations	14
	Appendix 3 Nomination Form:	15

1 Introduction

- 1.1 This document has been produced to help local communities and individuals to identify and assess features of character with a local heritage value (**heritage assets**) which may go on a local list for their area. A local list can have a positive effect on the planning process and be beneficial for local communities.
- 1.2 Heritage assets, including those of local, national and international value, are an irreplaceable resource that contribute to the quality of life for residents and it is important that they can be enjoyed by future generations. The positive conservation of our heritage assets, a process of managing change, delivers recognised wider social, economic and environmental benefits.
- 1.3 A substantial majority of buildings and other features in our district have little or no heritage significance and so do not constitute heritage assets. However those that do, whether designated (**of national importance**) or undesignated (**which may be locally listed**), have enough heritage interest for their significance to be a material consideration in planning decisions.
- 1.4 A heritage asset is described **in national policy**, as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”¹
- 1.5 In 2019, East Devon District has more than 3200 designated heritage assets which includes Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, and an internationally inscribed World Heritage Site. Listed buildings alone comprise nearly 4600 buildings and structures which have a degree of significance due to their special architectural or historic interest at a national level.
- 1.6 However the majority of heritage assets in East Devon, whether buildings, archaeological sites or areas of historic landscape character, do not have this statutory designation. Their conservation relies on the planning system and positive management by land and property owners. **Archaeological sites in particular are largely undesignated and local listing can highlight important but unscheduled sites.**
- 1.7 **The Devon County Historic Environment Record (HER)² maintains a record of all designated and undesignated buildings and archaeological sites and monuments. In April 2019 there are 20,685 heritage assets recorded in East Devon, meaning there are many thousands of heritage assets that are not on a national or local list, but that have a value and will still be a consideration in planning decisions.**

This guide focusses on the local heritage assets that contribute to the special character of their locality but do not meet the strict criteria for national listing. It offers guidance on how to identify heritage assets, and those assets meeting certain criteria will be placed on a 'local list'.

¹ DGLC (2018) National Planning Policy Framework, Annex 2: Glossary

² **Local Authorities are required to maintain or have access to Historic Environment Records in their area.**

1.8 There are many features in our towns, villages and countryside of local heritage value that help define places and establish their character, and local lists can:

- Strengthen a feeling of local character and distinctiveness
- Build a sense of place and encourage cohesion for local communities
- Promote understanding of our historic environment and heritage assets
- Inspire local communities to celebrate the heritage assets of value to them
- Bring recognised benefits to health and wellbeing through involvement
- Help to conserve and enhance our local heritage assets

1.9 Local listing also has a positive impact on the planning process as it can:

- Make it easier to identify the items which merit consideration in the preparation and determination of development proposals
- Save time on such proposals as information relating to the significance of an asset will be gathered prior to local listing
- Ensure the significance of any locally valued heritage asset is considered in planning decisions, and
- Be helpful to those preparing plans, particularly neighbourhood plans, and in strategic planning.

1.10 This document sets out a consistent approach towards identifying heritage assets for a local list through selection criteria, and guidance on the assessment procedure through the Council. We have set out a range of criteria against which applications for items on the local list will be considered. These reflect the national guidance provided by Historic England.³

1.11 Local lists only deal with things that are locally important. The purpose of the list is to identify high quality, locally significant, built or landscape features which are not subject to any other heritage designation such as statutory listing.

As this is a local list, we are looking for the features of East Devon that help make up its distinctive identity, the particular character that makes it different from elsewhere. It is often the things that are not significant on a national scale that make the biggest contribution to the 'distinctiveness' of a local area and that is what we hope to capture by supporting local listing.

1.12 **Assets of Community Value (ACVs) may also be listed under the Localism Act 2011, which allows a community six months to put together a bid to buy an ACV such as a local shop or pub when it comes up for sale. There may be some overlap between ACVs and local heritage assets. There is a separate process for the listing of Assets of Community Value.**

³ Historic England (2016) Local Heritage Listing; Historic England Advice Note 7

2 National planning policy framework

- 2.1 National policy emphasises the importance of heritage assets for their contribution to quality of life, and as an irreplaceable resource which should be conserved in a manner appropriate to their significance.

Local planning authorities are required to set out in their plans, “a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats”⁴ and to make information on the historic environment, gathered as a part of policy-making or development management, publically accessible.

- 2.2 Non-designated heritage assets may be identified by a local planning authority as having a local heritage value that should be taken into account when considering any planning application that affects either the asset or its setting.

National policy further advises that heritage assets should be conserved in a manner appropriate to their significance. In weighing an application that may affect a non-designated asset, a balanced judgement is required regarding the scale of any harm or loss and the significance of the asset.

- 2.3 Local Authorities are encouraged to publish the criteria they will use to identify locally important heritage assets and to make information on the criteria and location of existing assets accessible to the public.
- 2.4 Whilst it is important to capture enough information to understand the significance of assets for the local list, the government and Historic England also emphasise that such activities need to be no more than necessary, and proportionate to the significance of the assets affected.

3 Local Plan policy

- 3.1 The adopted East Devon Local Plan has strategies and policies relating to non-designated heritage assets (provided here in Appendix 1), which comply with the national policy set out above.
- 3.2 East Devon District Council has a Heritage Strategy for 2019 – 2031, which sets out a positive strategy for the historic environment of East Devon. It recommends the production of a local list guide, and following this, for a local list (of undesignated heritage assets) to be established.
- 3.3 The strategy also recommends working more with local communities, starting with pilot schemes which may include local listing within specific geographic area/s.

⁴ DGLC (2018) National Planning Policy Framework: 16. Conserving and enhancing the historic environment

4 Overarching statement

- 4.1 Historic England advises on the preparation of an overarching statement which sets out local historic significance,⁵ similar to the process of identifying local characteristics for Conservation Areas. Themes suggested for the creation of a new list are cultural landscapes, social history, patterns of settlement and local figures.
- 4.2 East Devon covers a large area. The following description sets out some of the main elements that contribute to the special character of the district, recognising its inherent diversities. This has helped to develop the local list criteria that are included and may be useful information for communities in developing their local statements.

East Devon Historic Distinctiveness

- 4.3 East Devon is a predominantly rural area with attractive market towns, a world heritage coastline and picturesque villages. Much of the landscape of East Devon is of outstanding scenic beauty and this is reflected by the designation of two Areas of Outstanding Natural Beauty (AONB) which cover around two thirds of the District.
- 4.4 The district stretches from the city of Exeter and the Exe Estuary in the West, to the Dorset and Somerset borders in the East. There is a perceptible change in character across the district from the main centre of population in Exmouth and the neighbouring city of Exeter, towards the remoter settlements of the Blackdown Hills to the north and east. The diversity of the landscape and its underlying geology have helped to create a distinctive local environment; **further information is provided in a Landscape Character Assessment 2019⁶ and through the East Devon and Blackdown Hills AONB websites.**
- 4.5 The geology of East Devon is complex and the southern coastline is internationally recognised for its geology as part of the Dorset and East Devon World Heritage Site. Local stone has provided material for local buildings, including Triassic sandstone, Blue Lias limestone, chert, flint and limestone. Beer Stone is a particularly fine limestone quarried near the village of Beer, which has been used locally, and more widely in many English parish churches and cathedrals.
- 4.6 One of the main historic construction materials for many years in East Devon was cob, which is earth compacted with natural material such as straw. This concentration of earth buildings is significant on a national scale given the scarcity of this construction method in other parts of the country. The main traditional roofing material is Devon reed, although many thatched roofs were replaced with tiles when transport improvements allowed.
- 4.7 Local materials have often been used in combination to create a distinctive style with cheaper materials supplemented with more expensive stone. For example, in the Blackdown Hills AONB, chert is often laid randomly with more expensive Beer stone being used for defined features such as door jambs. Throughout East Devon cob is often supported on low chert or flint walls to improve weather resistance with the use of dressed stone reserved for quoins, window and door details.

⁵ Historic England (2016) Local Heritage Listing p.10

⁶ eastdevon.gov.uk/media/2816886/lca_complete_final_march-2019_low-res.pdf

- 4.8 Pebble bed stones or 'Budleigh Buns' are large distinctive 'pebbles' that are used throughout the western fringes of the District. Whilst slate is a prominent roofing material in the west, following development of the railway, there is a tendency for more clay tiles, usually from Bridgewater, towards the east, which were possibly brought in by canal. Many of the older brick buildings are constructed from local brickworks including those which were based at Exmouth and Ottery St Mary. All of the 'Mark Rolle' buildings, for example, were constructed from bricks from the Rolle Estate brickworks.
- 4.9 Throughout the District there is much evidence of human occupation from the past into the present day, with Stone Age camps, Bronze Age barrows and Iron Age hill forts, Saxon settlements and Roman Roads, Medieval places of worship and thatched cob cottages, Georgian, Victorian and Edwardian architecture, factories of the Industrial Revolution and World War II airfields. These are just some of the examples of the wide range of archaeology and built form contributing to our unique historic environment.
- 4.10 Areas of historic landscape significance also contribute to East Devon's distinctiveness, in the form of designed landscapes such as formal gardens, or in some cases, evolved landscapes. In rural areas, the history of farming is evident, for example, in some well-preserved historic orchards and medieval strip field systems, which may be glimpsed beyond the high 'Devon' banks and hedgerows defining many of our country lanes.
- 4.11 East Devon is bounded to the south by Lyme Bay and to the west by the Exe Estuary and the coastal area is an attractive tourist and retirement destination. The main 'seaside' destinations are Exmouth, Budleigh Salterton, Sidmouth, Beer and Seaton.
- 4.12 The towns of Exmouth, Budleigh Salterton and Sidmouth were recorded as health resorts from the mid -18th century, developing into 'watering holes' for the wealthy during the Napoleonic wars, when the convention of continental travel for the aristocracy was interrupted. There are fine examples of Georgian architecture in East Devon towns, and particularly in Exmouth and Sidmouth, the latter renowned as a 'Regency' town.'
- 4.13 Exmouth is essentially Victorian in character as the most rapid growth happened after 1860. The opening of the railways increased the attraction of visitors and Exmouth in particular, with its sandy beach and scenic location on a promontory between the open sea and Exe Estuary, the town became a popular tourist destination.
- 4.14 The Cottage Orne (rustic buildings of picturesque design) was a popular movement in the late 18th and early 19th century with fine examples in Budleigh Salterton and Sidmouth. High quality development in Budleigh Salterton and Beer during the early 20th Century includes good examples of the Arts and Crafts style, and along the lower Otter Valley.
- 4.15 The towns of Honiton, Axminster and Ottery St Mary were centres of the textile industry from medieval times. Axminster is synonymous with carpet production and Honiton was the focus for the historic East Devon cottage industry of lace making.
- 4.16 In an East Devon context farmstead groupings are an important local feature, particularly those of medieval origins or planned as part of land estates. Several of the most beautiful East Devon Villages have their origins as planned estate villages, including Broadclyst, Gittisham and Broadhembury.

5 Criteria for inclusion on the local list

- 5.1 It is important when identifying or nominating assets to be included on a local list that they are judged against firm selection criteria so that the process is consistent and the significance of each feature is properly considered.
- 5.2 The sounder the basis for an addition to the heritage list, using selection criteria, the greater the weight that can be given to preserving the significance of the asset. The degree of consultation on the list and the on the inclusion of assets also increases that weight.
- 5.3 Historic England has set out commonly applied selection criteria, which we have adapted to take account of the overarching statement of historic distinctiveness for East Devon. We intend to use the criteria both as a guide for people wishing to put forward assets for consideration and to assess applications for inclusion on the East Devon local list.
- 5.4 It is essential that the local list is not de-valued by the inclusion of heritage assets that do not meet the criteria, **and at least one** of the criteria listed needs to be met to make the building or structure eligible for inclusion on the local list.
- 5.5 Assessing the 'significance' of a heritage asset and the contribution of its setting is important in decision making in order to understand the potential impact and acceptability of development proposals.
- 5.6 The criteria for local listing are set out below. A feature of local interest is one that retains its historic form and external detail, and makes a positive contribution to the architectural and historic character of the locality for **at least one** of the following reasons:

Age:

The more recent an asset is, the more unaltered it will need to be, for inclusion on the list. Buildings dated after 1939 will only be considered if they are outstanding (for example they have been documented in recognised publications or received a planning or architectural award) or they represent an important architectural style.

Rarity:

Generally, the less common an asset is in an East Devon context, the more likely it is to be considered for inclusion on the local list. The main exception is likely to be cob buildings. This was a common historic building method in East Devon, but was far less common in the rest of the United Kingdom. Examples of cob building are therefore likely to be important components of the East Devon list, even though they are not particularly rare in an East Devon context.

Aesthetic interest:

The design value of an asset including good examples of identifiable building traditions, techniques, materials or characteristics that are part of local styles. This could include the work of recognised local architects, builders and engineers and is likely to include some of the best examples of the work of David Carr in Beer, RW Sampson in Sidmouth, or **Hatchard Smith in and around Budleigh Salterton, and some of the distinctive developments of landowner Mark Rolle in and around Exmouth.**

Group Value:

Groupings of assets with a clear visual, design or historic relationship. In an East Devon context farmstead groupings are an important local feature, particularly those of medieval origin or planned as part of land estates.

Historical Association:

The significance of a local heritage asset of any kind may be enhanced by a significant historical association of local or national note, including links to important local figures. Blue Plaque and other similar schemes may be relevant.

Archaeological interest:

This may justify registration of a locally significant asset, if the evidence base is sufficiently compelling and a distinct area can be identified. The local heritage asset may provide evidence about past human activity in the locality which may be archaeological (in the form of buried remains), but may also be revealed in the structure of buildings or in a manmade landscape.

Designed landscapes interest:

Locally important designed landscapes, parks and gardens, which may relate to their design or social history. There are some particularly fine examples of large estates with designed landscapes in East Devon that are not nationally registered, but are included on the Devon Gazetteer of Parks and Gardens of Local Historic Interest.⁷

Landmark status:

An asset with strong group or historical associations, or with an especially striking aesthetic value that contributes to the image of the local area.

Social and Communal Value:

Features with special local or national historical associations that contribute to the social or communal history of an area **Significance in some cases may be enhanced** by places that aid a perception of local identity or social interaction, and could include intangible aspects of heritage that contribute to the “collective memory” of a place.

Archival Interest:

The significance of a local heritage asset of any kind may be enhanced by a significant contemporary or historic written record. (Whilst of interest, this is unlikely to be considered as a reason in itself for inclusion on the list).

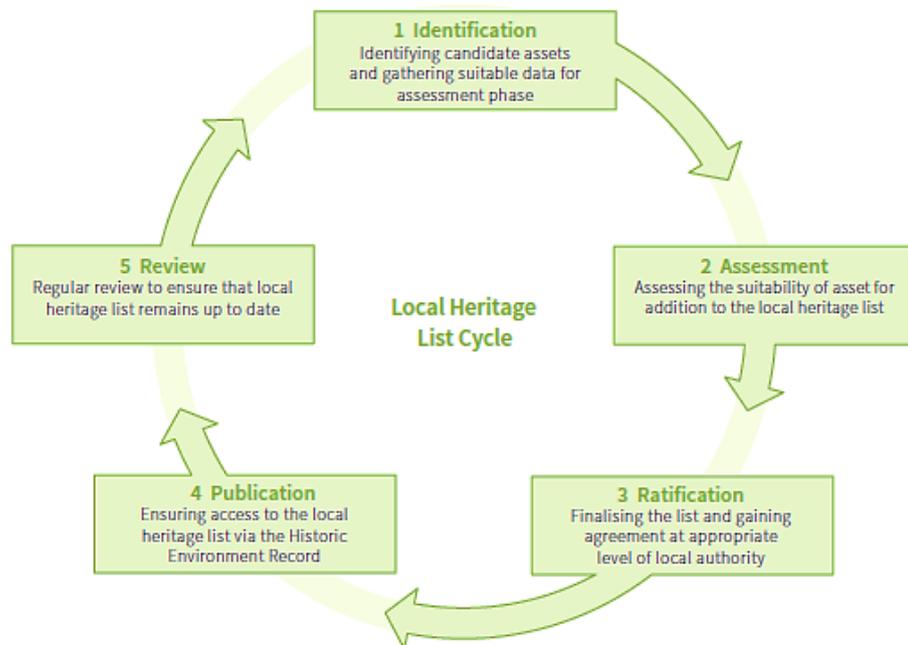
⁷ Devon Gazetteer of Parks and Gardens of Local Historic Interest:
<https://www.devongardenstrust.org.uk/?q=devon-gazetteer>

6 Identifying potential assets

- 6.1 Historic England’s Advice note 7 sets out a range of sources to identify assets, including:
- Inviting public nominations
 - Local research publications
 - Existing lists, such as the old ‘Grade III’ buildings
 - **De-listed buildings from the national list**
 - Devon Historic Environment Records⁸
 - Government and non-government organisation databases
- 6.2 Searches can be structured around categories such as historic theme, asset type or geographic area. It would be useful to check the Historic England national list to see if any considered items are designated heritage assets.
- 6.3 **Historic England has comprehensive selection of guides with information on a range of heritage asset types. In 2019 there are 44 selection guides including 18 on archaeological sites, 20 on building types and 4 on designed landscapes, with another 64 introductory guides to these features. Website links are provided below.⁹**
- 6.4 The experience of local experts, voluntary organisations and other specialist advice may also be helpful in collating and verifying information and assessing whether assets meet the criteria set out in this document.

7 Local heritage list cycle

Historic England’s Advice Note 7 ‘Local Heritage Listing’ suggests a suitable approach towards inclusion of items on the local list:



⁸ www.devon.gov.uk/historicenvironment/the-devon-historic-environment-record

⁹ historicengland.org.uk/listing/selection-criteria/listing-selection/
historicengland.org.uk/listing/selection-criteria/scheduling-selection/
historicengland.org.uk/listing/selection-criteria/pag-selection/

8 Assessment Procedure

- 8.1 Nominations to include assets on the local list may be made by town and parish councils, ward members, neighbourhood planning groups and properly constituted local amenity groups. **An individual may put forward an item for nomination through any of these local councils or groups, or ward members within their area.**
- 8.2 Comprehensive surveys by the above groups will be particularly welcomed, especially if local people have been encouraged to take part in the process. An overarching statement setting out local historic significance will help to set the context for suggested items for the list.
- 8.3 Priorities for processing nominated items will be considered alongside the Heritage Strategy delivery plan, for example in the delivery of pilot schemes within an area.
- 8.4 Where a large number of items have been submitted for an area, assessment may take place in stages, based on, for example, geographical area or type of feature to make this more manageable for Council staff.
- 8.5 An item may only be considered for inclusion where it has not been previously assessed and deemed not suitable within the previous **12 months** from that decision date.
- 8.6 The assessment procedure will be as follows:
1. Nominations for assets for inclusion on the local list must be made using a standard form for each proposed asset which will be available on the Council's website. It will be necessary to provide a site location plan, photograph and a brief statement on how the nomination meets the selection criteria.
 2. To qualify for inclusion on the list, **at least one** of the criteria set out in this guide must be met. The nominating group will be responsible for gathering evidence to support the nomination, including any further investigation into the history of a proposed asset. This may occasionally involve consultation with specialists or a public body of that particular asset type.
 3. A selection panel may be formed by the nominating group to independently assess assets, with membership drawn from a cross-section of the community and professionals, to draw up a shortlist of nominated assets.
 4. The nominating group **will** consult with the owner (and occupier where relevant) of each asset, where known, and at this stage the local community **should** also be consulted on a nominated asset or shortlist of nominations for useful comment. **In some cases it will be appropriate for the Council to consult with an owner / occupier, for example where there is inconclusive evidence of community consultation, where circumstances may have changed or where complexities have become apparent.**
 5. The nominating group should then consider any views and provide the Council with the nomination form and any written comments from the owner (and occupier **and community consultees** where relevant) of each proposed asset for consideration.

6. The Council will consider the nomination/s and make a decision on whether the item/s will be included on the local list. The reasons for either inclusion or exclusion from the list will be recorded and made available if requested.
7. Any request for a nominated asset not to be included on the list by the owner/occupier or other interested party will need to be based on evidence that it fails to meet the requirements of the selection criteria. The Council will only be able to consider comments relating to the criteria and cannot consider personal circumstances or development proposals. If one or more criteria are met there will be no valid reason for omitting the feature unless the background information is incorrect.
8. The final ratification of assets for the local list will be made by the Service Lead for Planning at East Devon District Council, **who may choose, in some cases, to defer to a technical expert or experts. This may be appropriate, for example, where evidence put forward to support a nomination is being challenged.**
9. We will write to the nominating group to confirm whether item/s meet the criteria for inclusion on the list or not, with a copy to any owner or occupier who has commented on the nomination. **The relevant groups listed in Appendix 2 will be notified at this stage.**
10. Once the initial backlog of assessments has been processed the Council will aim to process nominations for the list within a maximum of three months from receipt of a nomination. This may vary according to the delivery plan of the Heritage Strategy.
11. Following a decision to include a feature on the local list, our web site and geographic information system will be updated and details will be made available **through** the Devon Historic Environment Record.
12. The list will be reviewed periodically and this may result in removal of assets where they no longer meet the selection criteria, have been demolished or have undergone changes that undermine their significance.

9 The effect of inclusion on the local list

- 9.1 When a planning application is considered, the implications for the locally listed asset and its setting will be taken into account when a decision is made. However inclusion on the list will not automatically mean refusal of any application that involves its alteration or loss.
- 9.2 It is necessary for an applicant for either planning permission or listed building consent to submit an 'Assessment of Significance' with their application which will need to include:
- A statement of significance of the heritage asset
 - Details of the proposal, and
 - Analysis of the impact of the proposal on the significance (including a statement of need & statement of impact).

Further guidance is available in the document Historic England, Historic Environment Good Practice Advice in Planning: 2.¹⁰

- 9.2 Heritage assets included on the local list are not subject to any additional planning controls over alteration or demolition.
- 9.3 Any locally listed asset and its setting should be considered when development is being proposed as part of a development plan document or a neighbourhood plan.
- 9.4 A locally listed building would also become a building where special considerations apply in relation to Approved Documents L1B and L2B of the Building Regulations.

This effectively means that its heritage significance can be taken into account when considering the requirement under the building regulations for the conservation of fuel and power in existing homes and other buildings.

¹⁰ Historic England (2015) Managing Significance in Decision – Taking in the Historic Environment <https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf>

Appendix 1: Adopted East Devon Local Plan policies

EN7 – Proposals affecting sites which may potentially be of archaeological importance

When considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

EN8 - Significance of Heritage Assets and their Setting

When considering development proposals the significance of any heritage assets and their settings, should first be established by the applicant through a proportionate but systematic assessment following East Devon District Council guidance notes for 'Assessment of Significance' (and the English Heritage guidance "The Setting Of Heritage Assets"), or any replacement guidance, sufficient to understand the potential impact of the proposal on the significance of the asset. This policy applies to both designated and non-designated heritage assets, including any identified on the East Devon local list.

EN10 - Conservation Areas:

Proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. Loss of a building or other structure that makes a positive contribution to the significance of a Conservation Area will be considered against the criteria set out in Policy EN9.

EN9 - Development Affecting a Designated Heritage Asset

The Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site.
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Where total or partial loss of a heritage asset is to be permitted the Council may require that:

- e) A scheme for the phased demolition and redevelopment of the site providing for its management and treatment in the interim is submitted to and approved by the Council. A copy of a signed contract for the construction work must be deposited with the local planning authority before demolition commences.
- f) Where practicable the heritage asset is dismantled and rebuilt or removed to a site previously approved.
- g) Important features of the heritage asset are salvaged and re-used.
- h) There is an opportunity for the appearance, plan and particular features of the heritage asset to be measured and recorded.
- i) Provision is made for archaeological investigation by qualified persons and excavation of the site where appropriate.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations.

Appendix 2 List of local amenity organisations

These are the current local history and heritage societies, groups and associations to be notified once a decision has been made to include a heritage asset on the local list. This will apply to groups with a special interest in, or within the area, of those heritage asset/s. The list will be amended over time as new relevant, properly constituted, groups are formed or identified.

Axminster Historical Society

Axe Vale and District Conservation Society

Axe Valley Heritage Association

Branscombe Project

Broadclyst Local History Society

Chardstock Historical Record Group

Colyton Parish History Society

Devon Archaeological Society

Devon Gardens Trust

Exmouth Civic Society

Exmouth Historical and Archaeological Society

Feniton History Group

Hawkchurch History Society

Honiton History Society

Lympstone History Society

Membury History Society

Newton Poppleford Local History Group

Otter Valley Association

Ottery St. Mary Heritage Society

The Sampson Society

Sidmouth Local History Group

Sid Vale Association

South West Airfields Heritage Trust

Whimple History Society

Woodbury Local History Society

Appendix 3 Nomination Form:

(to be submitted on line, by email or by post; please see page **xx** for details)

Contact details on Nominator: (This information will not be publically available)
Name:
Email:
Telephone:
Address:

Nomination details
Date of assessment:
Approximate date for the asset, if known:
Type of , for example, building, structure or garden: and its use, for example domestic, religious or commercial:
Site Address:
Ownership and occupier details (where known, and where relevant)

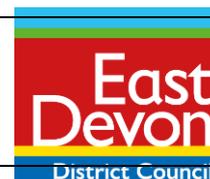
Location Plan and Photographs:

Please provide a location plan of the site and one or more photographs of the nominated feature.

Selection Criteria (please tick as many as apply):

A feature of local interest is one that retains its historic form and external detail and makes a positive contribution to the architectural and historic character of the locality for at least one of the following reasons (please tick as many that you consider apply):

Criteria	Tick	Reason and evidence to support nomination
Age		
Rarity		
Aesthetic interest		
Group value		
Archival interest (Written record)		
Historical association		
Archaeological interest		
Designed landscape interest		
Landmark status		
Social and communal value		



Consultation Details

Please provide details of consultation and any responses received

Consultation with owner:

Consultation with local community:

Comments

Please provide any further information about your nomination, its significance and how it meets the criteria, on separate sheets if needed.

Please click here to submit completed form

If not completing online, please email to: planningpolicy@eastdevon.gov.uk, or post to:

**Planning Policy Team,
East Devon District Council
Blackdown House,
Border Road,
Heathpark Industrial Estate,
Honiton.
EX14 1EJ**

Phone: 01395 516551

www.eastdevon.gov.uk



