

**Agenda for Planning Committee
Tuesday, 12th May, 2026, 10.00 am**



Members of Planning Committee

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

East Devon District Council
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Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Issued: Friday, 1 May 2026

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday, 5 May 2026 up until 12 noon on Friday, 8 May 2026 by leaving a message on 01395 517542 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517542. A member of the Democratic Services Team will contact you if your request to speak has been successful.

1 **Speakers' list for the applications** (Pages 4 - 5)

Speakers' list for the planning applications.

2 **Minutes of the previous meeting** (Pages 6 - 9)

Minutes of the Planning Committee meeting held on 21 April 2026.

3 **Apologies**

4 **Declarations of interest**

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

5 **Matters of urgency**

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

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

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

7 **Planning appeal statistics** (Pages 10 - 26)

Update from the Development Manager

Applications for Determination

8 **25/1150/MFUL (Major) BROADCLYST** (Pages 27 - 79)

Land to the south west of Exeter Substation, Exeter

9 **25/0086/MFUL (Major) BUDLEIGH & RALEIGH** (Pages 80 - 133)

Land to the west of Barn Lane, Budleigh Salterton.

10 **25/2502/FUL (Minor) BUDLEIGH & RALEIGH** (Pages 134 - 151)

Redundant barn adjacent to Burnthouse Cottage, Northmostown, Sidmouth.

- 11 **25/2531/FUL (Minor) TALE VALE** (Pages 152 - 168)
Blacksmiths Arms, Plymtree, EX15 2JU.

The following planning application will not be considered before 2.00pm

- 12 **25/2468/MOUT (Major) OTTERY ST MARY** (Pages 169 - 237)
Land adjacent to Gerway Nurseries, Gerway Close, Ottery St Mary.

Public speaking at planning committee on 12 May 2026 regarding planning application ref: 25/2468/MOUT, Land adjacent Gerway Nurseries, Gerway Close, Ottery St Mary

People who have previously submitted comments about the above application will be informed about the date of the planning committee either by email, or where no email address is available by post. Due to the very large number of comments with no email supplied, there was a delay in issuing the letters, but they are now in the post. Anyone wanting to register to speak at the planning committee meeting should register with democratic services by 12pm on Friday 8 May to planningpublicspeaking@eastdevon.gov.uk. Please note that only 5 people may register to speak in support and 5 against the application.

- 13 **25/0356/MOUT (Major) SIDMOUTH SIDFORD** (Pages 238 - 278)
Land east of Burscombe Lane, Sidford, Sidmouth, EX10 9SG.

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

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

[Decision making and equalities](#)

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

Speakers registered for the planning applications

<p>Agenda item 8 Application number: 25/1150/MFUL (Major) Pages 28 - 80 Ward: Broadclyst Address: Land to the south west of Exeter Substation, Exeter Ward Members: Councillor Paula Fernley / Councillor Eleanor Rylance Committee Ward Member: Councillor Sarah Chamberlain</p>	
Objector	Peter Weeks
Applicant	Jamie Gleeson
Ward Member	Councillor Paula Fernley

<p>Agenda item 9 Application number: 25/0086/MFUL (Major) Pages 81 - 134 Ward: Budleigh & Raleigh Address: Land to the west of Barn Lane, Budleigh Salterton Ward Members: Councillor Charlotte FitzGerald / Councillor Melanie Martin / Councillor Henry Riddell</p>	
Agent	Samantha Thomas (Carney Sweeney)
Ward Member	Councillor Charlotte FitzGerald Councillor Melanie Martin

<p>Agenda item 10 Application number: 25/2502/FUL (Minor) Pages 135 - 152 Ward: Budleigh & Raleigh Address: Redundant barn adjacent to Burnthouse Cottage, Northmostown, Sidmouth Ward Members: Councillor Charlotte FitzGerald / Councillor Melanie Martin / Councillor Henry Riddell</p>	
Agent	Doug Millar (MRM Design Studio)
Ward Member	Councillor Charlotte FitzGerald

<p>Agenda item 11 Application number: 25/2531/FUL (Minor) Pages 153 - 169 Ward: Tale Vale Address: Blacksmiths Arms, Plymtree Ward Member: Councillor Richard Jefferies</p>	
Applicant	Susie Carter

The planning applications below will not be considered before 2.00pm

Agenda item 12

Application number: 25/2468/MOUT (Major) Pages 170 - 238

Ward: Ottery St Mary

Address: Land adjacent to Gerway Nurseries, Gerway Close, Ottery St Mary

Ward Members: Councillor Vicky Johns / Councillor Peter Faithfull

Committee Ward Member: Councillor Bethany Collins

Objector	Peter Wright
	Martin Stockley
	David Bendle
	Kevin Murch
	David McKinney
Town Council Representative	Councillor Richard Copus
Agent	Sophie Caton (Lichfields)
Devon County Councillor	Councillor Jess Bailey
Ward Member	Councillor Vicky Johns Councillor Peter Faithfull

Agenda item 13

Application number: 25/0356/MOUT (Major) Pages 239 - 279

Ward: Sidmouth Sidford

Address: Land east of Burscombe Lane, Sidford, Sidmouth

Ward Members: Councillor Mike Goodman / Councillor Marianne Rixson

Committee Ward Member: Councillor Stuart Hughes

Objector	Charles King
	Richard Goodier
Agent:	Ed Persse (Tavistock Green)

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 April 2026****Attendance list at end of document**

The meeting started at 10.03 am and ended at 2.30 pm. The meeting was adjourned for lunch at 12.45pm and reconvened at 1.30pm.

97 Minutes of the previous meeting

The minutes of the previous meeting held on 24 March 2026 were agreed as a true record.

98 Declarations of interest

102. 25/1856/FUL (Minor) BUDLEIGH & RALEIGH

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Olly Davey, advised he had been copied into email correspondence relating to this application.

105. 26/0261/LBC (Other) HONITON ST MICHAELS.

Councillor Colin Brown, Disclosable Pecuniary Interest, The owner of the property to which the planning application relates.

105. 26/0261/LBC (Other) HONITON ST MICHAELS.

Councillor Stuart Hughes, Affects and prejudicial Non-registerable Interest, Closely connected to the applicant.

105. 26/0261/LBC (Other) HONITON ST MICHAELS.

Councillor Yehudi Levine, Affects and prejudicial Non-registerable Interest, Closely connected to the applicant.

Non-Committee Members

102. 25/1856/FUL (Minor) BUDLEIGH & RALEIGH

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

99 Matters of urgency

There were none.

100 Confidential/exempt item(s)

There were none.

101 Planning appeal statistics

The Committee noted the planning appeals statistics report and received a brief post-publication update on a dismissed appeal dealt by public inquiry in relation to planning

application 25/0128/FUL for 30 EV charging points, 2 HGV filling station points and battery farm at Greendale Business Park.

102 **25/1856/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Mr Hugh McCormick.

Location:

10 Marine Parade, Budleigh Salterton, EX9 6NS.

Proposal:

Redevelopment of the site to provide 4 maisonette dwellings, with associated parking and landscaping (revised scheme to planning application 24/1832/FUL).

RECOMMENDED:

That the Council advises the Planning Inspectorate that the Council recommend that the appeal is allowed, subject to one additional recommended condition to agree a water conservation strategy to include the provision of water butts with a capacity of 110 litres per dwelling.

103 **24/2057/VAR (Other) EXMOUTH LITTLEHAM**

Applicant:

Mr David Crocker.

Location:

Chestnuts, 65 Salterton Road, Exmouth, EX8 2EJ.

Proposal:

Variation of Condition 2 (approved plans) of planning permission 23/0538/FUL (construction of ground floor and first floor extensions to create an additional 10 HMO bedrooms, creation of a new vehicular access onto Salterton Road and provision of parking to the front of the site) and Condition 10 (parking layout) to allow the removal of east elevation chimney and alteration to approved windows on eastern elevation, the addition of ensembles at first floor, change to material finishes, repositioning of bike and bin store, change to parking layout and retention of disability ramp, retention of front west wing roof and inclusion of 2 roof lights.

RESOLVED:

Approved with conditions in accordance with officer recommendation.

104 **26/0103/PIP (Other) CLYST VALLEY**

Applicant:

Mr & Mrs Mark & Anita Lavis.

Location:

Mayfield, Lower Lane, Ebford, EX3 0QT.

Proposal:

Permission in principle for the erection of 1 dwelling.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Permission in principle be approved in accordance with officer recommendation.

105 **26/0261/LBC (Other) HONITON ST MICHAELS**

Applicant:

Colin & Jenny Brown & Wheatley-Brown.

Location:

Burwood, Exeter Road, Honiton, EX14 1AL.

Proposal:

Retention of remedial works carried out to roof; including the removal, storage and reinstallation of all existing slates; supplementation of 200 like for like slates; installation of breathable membrane; replacement of battens and nails and re-leading of failed flashing.

Councillors Brown, Hughes and Levine all left the meeting during the consideration of this item and did not take part in the vote.

RESOLVED:

Approved with conditions in accordance with officer recommendation.

106 **26/0128/FUL (Other) HONITON ST MICHAELS**

Applicant:

Ms Denise Fowle.

Location:

7 Eureka Terrace, Honiton, EX14 1DZ.

Proposal:

Retrospective application for the raising of ground level of the upper front garden, partial excavation of front garden with retaining walls and installation of lift to enable disabled access to the property.

RESOLVED:

Approved with conditions as per officer recommendation.

107 **25/2454/OUT (Other) YARTY**

Applicant:

James Regnard (Concept 360)

Location:

Land opposite Ridgeway Inn, Smallridge.

Proposal:

Outline planning permission for 5 dwellings, all matters reserved apart from access.

RESOLVED:

1. The Appropriate Assessment be adopted.

2. Approved with conditions in accordance with officer recommendation, subject to a S106 agreement to secure biodiversity net gain and nutrient mitigation measures.

Attendance List

Councillors present:

I Barlow
K Bloxham
C Brown
B Collins
O Davey (Chair)
J Heath
S Hughes
S Hunt
Y Levine
S Smith
E Wragg (Vice-Chair)

Councillors also present (for some or all the meeting)

R Collins
C Fitzgerald
N Hookway
D Mackinder

Officers in attendance:

Andrew Digby, Senior Planning Officer
Wendy Harris, Democratic Services Officer
Jill Himsworth, Senior Planning Officer
Damian Hunter, Planning Solicitor
Callum Moir, Planning Officer
Wendy Ormsby, Development Manager

Councillor apologies:

B Bailey
S Chamberlain
S Gazzard
M Howe

Chairman

Date:

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

Ref: 25/1342/MFUL **Date Received** 02.04.2026
Appellant: Mr Samuel Finlay (LNT Construction)
Appeal Site: 1 Jennings Gardens Tithebarn Exeter Devon EX1 4BL
Proposal: Full planning permission for the construction of a 66 no.bed care home for older people with parking, access, landscaping and associated ground works
Planning Inspectorate Ref: 6007622

Ref: 25/1601/OUT **Date Received** 10.04.2026
Appellant: Mr Anthony
Appeal Site: Car Park Land south of Underhill Close Lymptstone
Proposal: Outline application for the erection of three detached dwellings (All matters reserved)
Planning Inspectorate Ref: 6007931

Ref: 24/0985/FUL **Date Received** 15.04.2026
Appellant: Mr & Mrs Pratt
Appeal Site: Bowling Green Plymtree Devon EX15 2LF
Proposal: Construction of new dwelling
Planning Inspectorate Ref: 6008158

Ref: 25/2244/FUL **Date Received** 17.04.2026
Appellant: Mr Mark Whitcombe
Appeal Site: 149 High Street Honiton Devon EX14 1LJ
Proposal: Change of use from its current use as retail to the ground and first floor, with residential above, to 1no full residential dwelling
Planning Inspectorate Ref: 6008283

Ref: 25/1448/TEC **Date Received** 19.04.2026
Appellant: Mr Jason Drane
Appeal Site: Blackmore Health Centre Blackmore Drive Sidmouth EX10 8ET
Proposal: Technical details consent for PIP application 24/0125/PIP approved on 21/03/24 for 'Permission in principle for change of use of the former Sidmouth Health Centre to provide up to 9 no. residential units (Use Class C3) and other associated works
Planning Inspectorate Ref: 6008369

Ref: 25/1799/FUL **Date Received** 24.04.2026
Appellant: Mr Aaren Carpenter
Appeal Site: 15 Bhutan Close Honiton Devon EX14 2UP
Proposal: Proposed rear balcony with 1.8m privacy screen
Planning
Inspectorate Ref:

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

Ref: 25/0128/FUL **Appeal Ref:** 25/00086/REF
Appellant: FWS Carter & Sons Ltd
Appeal Site: Greendale Business Park, Land South of Sidmouth Road
Aylesbeare
Proposal: Proposed 30 no. EV charging points, 2 HGV filling station
points, and battery farm (enclosed within a building) with
associated parking spaces, internal road
network/hardstanding, boundary planting, and access and
egress onto the Greendale Business Park Private Road
Network.
Decision: **Appeal Dismissed** **Date:** 07.04.2026
Procedure: Inquiry
Remarks: Public health mitigation reasons upheld (EDLP Policies EN14,
EN18, Strategies 7,39).
BVPI 204: **Yes**
Planning APP/U1105/W/25/3375541
Inspectorate Ref:

Ref: 25/0609/PDQ **Appeal Ref:** 25/00078/REF
Appellant: Mr Rupert Thistlewayte
Appeal Site: Land opposite Cadhay Barton Cadhay Ottery St Mary
Proposal: Prior approval for the change of use of 2no. agricultural
buildings into 3no. residential dwelling and associated
operation development to enable the buildings to function as
dwellinghouses
Decision: **Appeal Dismissed** **Date:** 17.04.2026
Procedure: Written representations
Remarks: Delegated refusal.
the Inspector agreed with the Council that the buildings do not
benefit from Class Q permitted development rights.
BVPI 204: **No**
Planning 6001237
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 24/0439/TRE
Appeal Ref: APP/TPO/U1105/10189
Appellant: Mr Steven Richards
Address: Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL
Proposal; G7.1 and G7.2 Lime:
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.

Start Date: 26 July 2024

Procedure:
Written reps.

Questionnaire Due Date:

9 August 2024

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

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

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

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

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

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

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

App.No: 25/0057/OUT
Appeal Ref: 6001406
Appellant: Mr Paul Hunt
Address: Land Adjoining West Hayes Eastfield West Hill EX11 1GG
Proposal; Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping)
Start Date: 6 November 2025
Procedure: Written reps.
Questionnaire Due Date: 13 November 2025
Statement Due Date: 11 December 2025

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

App.No: 25/0809/FUL
Appeal Ref: 6002034
Appellant: Lawrence Arnold
Address: 1 Silver Street Ottery St Mary EX11 1DB
Proposal; Change of use from office/retail (class E) to 2no. new dwellings (class C3) on the 1st and 2nd floor including self-contained stairwell
Start Date: 1 December 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 December 2025
Statement Due Date: 5 January 2026

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

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

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

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

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

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

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

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

Questionnaire Due Date: 26 January 2026
Statement Due Date:

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

Questionnaire Due Date: 29 January 2026
Statement Due Date: 26 February 2026

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

Questionnaire Due Date: 3 February 2026
Statement Due Date: 3 March 2026

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

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

App.No: 25/1856/FUL
Appeal Ref: 6004696
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton Devon EX9 6NS
Proposal; Redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL)
Start Date: 10 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 February 2026
Statement Due Date: 17 March 2026

App.No: 25/1794/VAR
Appeal Ref: 6004829
Appellant: Leonard Taylor
Address: 7 Woodlands Drive Exmouth Devon EX8 4QP
Proposal; Variation of condition 2 (approved plans) of planning permission Ref: 22/1375/FUL (Single storey side extension, removal of chimney stack, conversion of roof space to habitable use to include a front and rear dormer, 2 roof lights, extension to vehicular hardstanding to front, installation of vehicular hardstanding to side, installation of boundary wall to rear, porch to front with alteration to fenestration) to allow for ridge height and pitch alterations and changes to fenestration.
Start Date: 10 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 February 2026

App.No: 25/1302/FUL
Appeal Ref: 6004880
Appellant: Sarah Birnie
Address: Northay Lodge Trinity Hill Road Axminster EX13 5SS
Proposal; Change of use of existing dwelling house (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation.
Start Date: 12 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 19 February 2026
Statement Due Date: 19 March 2026

App.No: 25/2025/PIP
Appeal Ref: 6004981
Appellant: Mrs E Hunt
Address: Land Adjoining Hawthorn House Back Lane Newton Popleford
Proposal; Permission in Principle application for up to 9no. dwellings
Start Date: 17 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 24 February 2026
Statement Due Date: 24 March 2026

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

App.No: 25/2309/FUL
Appeal Ref: 6005489
Appellant: David Mulvihill
Address: Meadow Cottage Frogmore Road East Budleigh Devon EX9
7BB
Proposal; Demolish existing dwelling. Construction of 1no. new dwelling
with detached garage and other associated works
Start Date: 2 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 9 March 2026
Statement Due Date: 8 April 2026

App.No: 25/2532/FUL
Appeal Ref: 6005675
Appellant: Mr Stoykov
Address: Pitney Water Storage Tank Broadhembury
Proposal; Conversion and extension of the existing building to provide a two-bedroom dwelling
Start Date: 3 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 10 March 2026
Statement Due Date: 9 April 2026

App.No: 25/2209/FUL
Appeal Ref: 6006098
Appellant: Mr Andrew and Paul Lightfoot
Address: Land adjoining White Farm Lane West Hill Ottery St Mary
Proposal; Construction of 1no. dwelling
Start Date: 10 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 March 2026
Statement Due Date: 16 April 2026

App.No: 25/2102/LBC
Appeal Ref: 6006240
Appellant: Mr Graham Tucker
Address: The Old House Sheldon Honiton EX14 4QR
Proposal; Install 8no. panels and 5no. panels on south east elevation
Start Date: 16 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 23 March 2026
Statement Due Date: 22 April 2026

App.No: 24/1761/MFUL
Appeal Ref: 6005405
Appellant: Mr N Taylor
Address: Land At Higher Metcombe Higher Mecombe EX11 1SL
Proposal; Proposed erection of 3no detached dwellings, stable block and paddock with associated hard and soft landscaping/access
Start Date: 17 March 2026
Procedure: Written reps.
Questionnaire Due Date: 24 March 2026
Statement Due Date: 23 April 2026

App.No: 23/2627/MFUL
Appeal Ref: 6005764
Appellant: Goosemoor Ltd
Address: Land north east of Parkfield Cottages Pink House Corner Lympstone
Proposal; Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping
Start Date: 17 March 2026
Procedure: Hearing
Questionnaire Due Date: 24 March 2026
Statement Due Date: 27 April 2026
Hearing Date: 23 June 2026

App.No: 25/0711/FUL
Appeal Ref: 6003339
Appellant: Mr Henry Gent (Mosshayne Farm Partnership)
Address: Mosshayne Farm West Clyst Devon EX1 3TR
Proposal; Siting of temporary rural workers dwelling (retrospective)
Start Date: 18 March 2026
Procedure: Hearing
Questionnaire Due Date: 25 March 2026
Statement Due Date: 24 April 2026
Hearing Date: 9 June 2026

App.No: 25/1433/CPE
Appeal Ref: APP/U1105/X/26/3378245
Appellant: Daren Richards
Address: Valley View Paddock Church Hill Pinhoe Exeter Devon
Proposal; Lawful development certificate for the continued use of a converted stable as a dwelling
Start Date: 31 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 14 April 2026
Statement Due Date: 12 May 2026

App.No: 25/2568/ADV
Appeal Ref: 6007241
Appellant: Mr Ashwin Eapen
Address: Country House Estate Whimble Devon EX5 2NL
Proposal; Three non-illuminated free standing totem signs located in the vicinity of InstaVolt's EV charging site (retrospective)
Start Date: 1 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 10 April 2026

App.No: 25/1015/FUL
Appeal Ref: 6007522
Appellant: Mr and Mrs Freemantle
Address: 2 Hunt Cottages Sidmouth Road Clyst St Mary Exeter EX5 1DN
Proposal; New detached dwelling
Start Date: 2 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 13 April 2026
Statement Due Date: 12 May 2026

App.No: 25/0830/AGR
Appeal Ref: 6006539
Appellant: M G Bull
Address: Land north of Sand Farm Sidbury Hill Sidbury
Proposal; A portal framed agricultural building.
Start Date: 7 April 2026

Procedure:
Written reps.

Questionnaire Due Date: 14 April 2026

Statement Due Date: 13 May 2026

App.No: 25/0786/CPE
Appeal Ref: 6006470
Appellant: Mr M Babakarkhil
Address: A303 Services Yarcombe EX14 9ND
Proposal; Certificate of lawful existing use or development. Signage and associated infrastructure in, on or under the ground/land located at A303 Services EX14 9ND

Start Date: 17 April 2026
Procedure:
Written reps.

Questionnaire Due Date: 1 May 2026

Statement Due Date: 2 June 2026

Ward Broadclyst

Reference 25/1150/MFUL

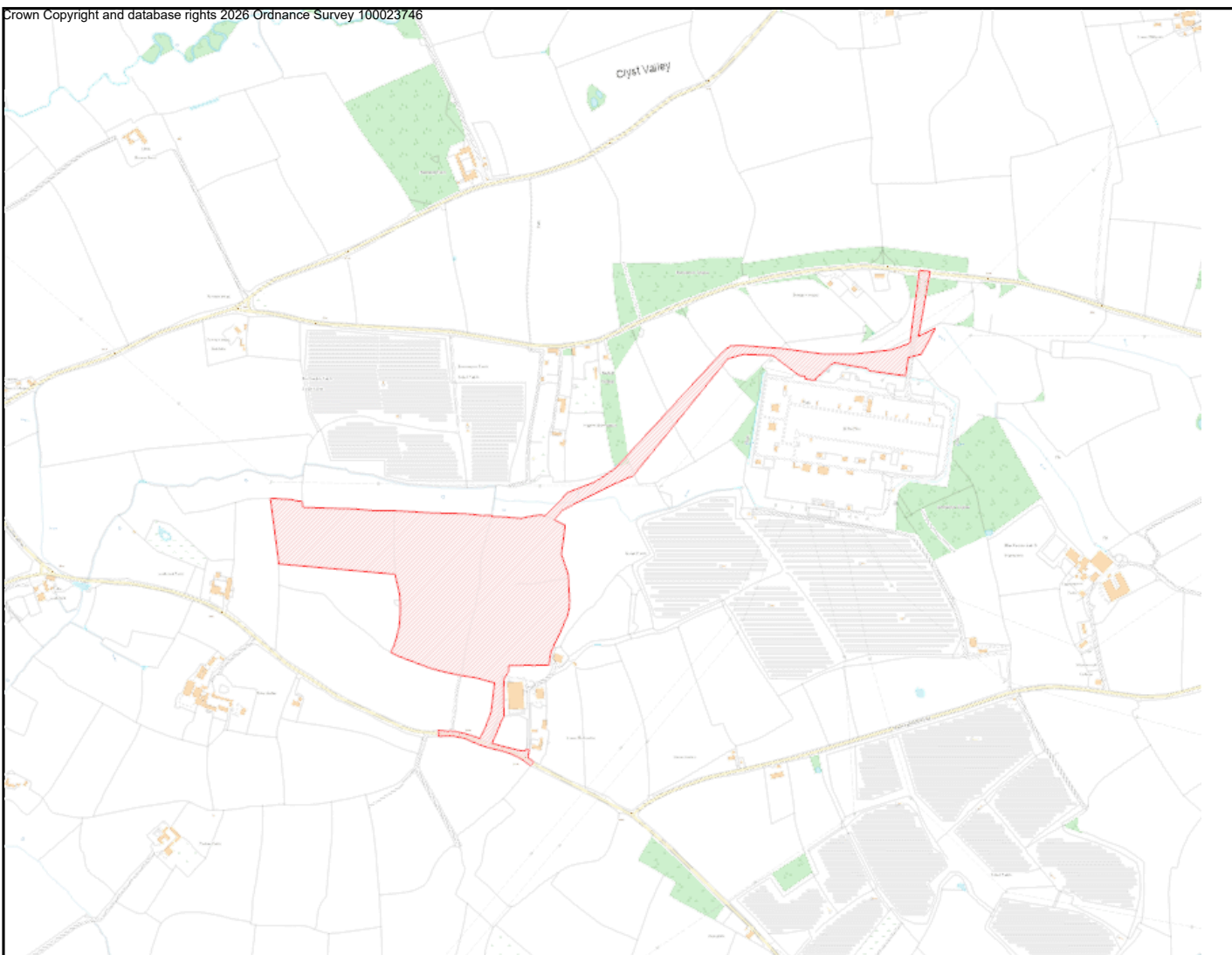
Applicant Mr Jamie Gleeson (Broadclyst Energy Storage Ltd)

Location Land To The South West Of Exeter Substation Exeter

Proposal The construction and operation of a battery energy storage system (BESS), including access tracks and access works; earthworks; landscaping; associated infrastructure; substation and an underground cable connection route.



RECOMMENDATION: Approval with conditions



		Committee Date: 12.05.2026
Broadclyst (Broadclyst)	25/1150/MFUL	Target Date: 28.08.2025
Applicant:	Mr Jamie Gleeson (Broadclyst Energy Storage Ltd)	
Location:	Land To The South West Of Exeter Substation Exeter	
Proposal:	The construction and operation of a battery energy storage system (BESS), including access tracks and access works; earthworks; landscaping; associated infrastructure; substation and an underground cable connection route.	

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

EXECUTIVE SUMMARY

The application is before members as the officer recommendation is contrary to the views of the Parish Council.

This application seeks full planning permission for the construction and operation of a 125MW Battery Energy Storage System (BESS) on approximately 10.5ha of agricultural land southwest of Exeter Substation. The scheme comprises battery containers, transformers, a new substation, access tracks, underground cabling, acoustic fencing, landscaping, drainage infrastructure and associated safety systems, with a proposed operational life of 40 years before full decommissioning and restoration to agriculture.

The development is assessed as a low-carbon energy project supported in principle by Strategy 39 of the East Devon Local Plan and by national policy, which gives significant weight to renewable and low-carbon energy infrastructure. The proposal would make a meaningful contribution to grid flexibility and resilience, supporting the transition to a net-zero electricity system.

However, the scheme would result in localised landscape and visual harm, including industrialisation of greenfield land, engineered terraces, and adverse effects on walkers using Broadclyst Footpath 28 and other nearby receptors. It would also lead to the loss of 1.9ha of Best and Most Versatile (3a) agricultural land. These impacts weigh against the proposal.

Despite this, subject to conditions, matters relating to fire safety (including compliance with updated 2025 NFCC guidance), drainage, noise, ecology, arboriculture, heritage and highways can be satisfactorily mitigated. Importantly,

the development delivers substantial Biodiversity Net Gain, including new grassland, hedgerow and wetland habitat, with a secured long-term management plan.

In the planning balance, while there is identifiable moderate landscape harm and minor agricultural land loss, these are outweighed by the substantial benefits of delivering strategic low-carbon energy storage, significant biodiversity enhancements, and strong alignment with national climate and energy policy.

Officers therefore conclude that the scheme accords with the Development Plan when read as a whole, and recommend approval subject to the detailed conditions listed in the full report.

CONSULTATIONS

EDDC Trees

I understand the cable route is somewhat flexible and therefore any impacts on the hedgerow oak some 175m to the west of the NG substation should be avoidable, however the actual route & cable location will need to be confirmed and shown in the final version of the tree protection plan (TPP).

The TPPs will need to be of a suitable scale so that the tree numbers & relevant annotations pertaining to tree protection measures are clearly legible and so that the TP plans can be easily read, understood and implemented. I suggest a scale no smaller than 1:500 may be appropriate.

Directional drilling could be used to avoid impacting on the hedgerows but this needs to be confirmed and shown in the final version of the tree protection plan (TPP).

It appears the cable route would coincide with a good quality hedgerow oak located some 175m to the west of the NG substation, the section of hedgerow to the south of the oak is clear of significant trees and the cable route should be amended slightly to the south to avoid impacting the tree.

Parish/Town Council

Representation to East Devon District Council, 02.07.2025.

Broadclyst Parish Council Planning Representation - Application 25/1150/BESS

Site Location: Land to the south-west of Exeter Substation, Broadclyst

Proposal: Construction and operation of a Battery Energy Storage System (BESS) of approximately 125MW capacity.

1. National and Local Planning Policy Compliance

o The proposed development conflicts with the National Planning Policy Framework (NPPF) (2023), specifically:

o Paragraph 198 - which requires that developments be appropriate for their location, considering cumulative effects and sensitivity of the surrounding area.

o Paragraphs 154-158 - which require development to be directed away from areas at risk of flooding, and to incorporate sustainable design principles.

- o It does not align with the East Devon Local Plan (EDLP) (2013-2031):
- o Strategy 7 (Development in the Countryside) - permitting only limited development that respects the countryside's character and function.
- o Policy EN14 (Control of Pollution) - the operational noise and construction disruption exceed acceptable thresholds without robust mitigation.
- o Policy TC7 (Adequacy of Road Network and Site Access) - fails to demonstrate that local road infrastructure can accommodate cumulative construction traffic from four concurrent BESS developments.
- o Broadclyst Neighbourhood Plan (BNP):
The scheme fails these policies:
- o Policy D1 (High Quality Design) - the scale, acoustic barriers, and industrial character of the scheme are incompatible with local vernacular.
- o Policy DC3 (Sustainable Drainage) - the proposed access routes traverse floodprone land without demonstrable resilience.
- o Policy NE5 (Landscape and Biodiversity) - insufficient evidence of habitat protection or enhancement.
- o Policy T5 (Low Carbon Travel) - the development encourages diesel HGV usage through a residential area and past schools.

2. Impact on Residential Amenity

- o Noise: The applicant's own Noise Impact Assessment acknowledges that without mitigation, the development would result in adverse effects. Even with 4m acoustic barriers, local receptors, particularly within 0.5km, are likely to experience intrusive noise. The omission of low-frequency fan noise modelling is a significant gap. This conflicts with BNP Policy D1 and NPPF Para 198.
- o Visual Intrusion: The development includes a 10m tall substation and fencing which will be prominent from public rights of way and neighbouring homes. Claims of visual screening are misleading—hedges are currently ~2m and proposed planting will take 15-20 years to establish, directly conflicting with BNP Policy NE5 and EDLP

Strategy 46

(Landscape Conservation).

- o Air Quality: Ongoing construction, coupled with three other BESS developments and multiple housing schemes, will generate diesel emissions, dust, and other pollutants over a prolonged period. This cumulative deterioration in air quality conflicts with NPPF paras 185-186 and EDLP EN14.

3. Highway Safety and Construction Traffic

- o Cumulative Impact: Four large BESS schemes will all rely on Crannaford Lane and local roads for HGV deliveries over the same 12-24+ month period. Despite each having a Construction Traffic Management Plan (CTMP), no joined-up plan exists to manage total vehicle movements, scheduling, or mitigation—contrary to EDLP TC7 and NPPF para 111.
- o Timings: Restrictions (deliveries after 9am and before 3:30pm) are inadequate, given local school traffic and residential use of these narrow lanes. Residents have clearly stated that Saturday working is unacceptable due to noise, vibration, and amenity impact (BNP D1, EDLP EN14).
- o Road Damage and Maintenance: The applicant has not proposed a coordinated repair and reinstatement strategy across all developers. A transparent approach

should be agreed to draw down a cumulative repair fund to restore local infrastructure.

- o The Transport Statement confirms construction traffic from four BESS schemes plus housing will converge on the same roads, breaching EDLP TC7 and BNP T1.

4. Loss of Agricultural Land and Landscape Character

- o Scale of Conversion: Over 100 acres of productive farmland have already been lost to solar farms and two existing BESS facilities. This proposal further erodes the area's food production capacity, contrary to:

- o EDLP Strategy 3 (Sustainable Development): Safeguarding land resources.

- o BNP NE5: Protection of productive landscapes.

- o NPPF para 174: Recognises agricultural land as a finite resource that should be valued.

- o Expansion Concerns: The development explicitly uses a Rochdale Envelope approach,

retaining flexibility to expand within the 10ha red line site (currently using ~7ha). This raises genuine concern that future enlargement could proceed without fresh planning scrutiny or consultation.

5. Fire Risk, Pollution and Water Quality

- o Although a Fire Risk Assessment has been provided by a consultant, there is no evidence of engagement with the local fire brigade or the Environment Agency to validate the mitigation strategy.

- o Residents have highlighted the danger of:

- o Release of toxic gases if batteries ignite.

- o Contaminated run-off entering the Cranny Brook, affecting local water quality and biodiversity.

- o This fails to demonstrate compliance with:

- o EDLP EN14: Pollution control.

- o NPPF para 183: Preventing risk from hazardous substances.

- o BNP NE5 and DC3: Safeguarding watercourses.

6. Biodiversity and Nature Movements

- o Fencing installed as part of recent energy developments has already disrupted deer,

badger, and fox movements across the area. This cumulative fragmentation of habitat

and corridors has not been assessed.

- o The current proposal exacerbates this issue, conflicting with:

- o BNP NE5: Protecting ecological networks.

- o NPPF para 180: Maintaining wildlife connectivity.

7. Failure to Engage with Affected Landholders

The cable route crosses land owned by the National Trust, currently farmed by a tenant.

There is no evidence of direct consultation with the tenant, despite the clear disruption

to agricultural operations and local food production.

This contradicts:

- o NPPF Paragraph 39, which promotes early and effective engagement;

- o BNP Policy D1, which supports locally responsive planning; and

Good planning practice, which requires liaison with affected landowners and tenants during

infrastructure planning.

8. Environmental and Long-Term Sustainability Concerns

o No clear plan has been presented for the recycling or end-of-life management of battery

units over the proposed 40-year lifespan, contrary to the NPPF's climate and resource

efficiency principles (Paras 157-158).

o Claims of "Net Zero support" are unsupported by quantifiable carbon reduction or sustainable construction measures. The proposal lacks alignment with BNP Policy DC1

(Energy Efficiency) and Policy DC6 (Community-Led Renewable Energy).

9. Lack of Maintenance Guarantees

o The applicant admits the site may be sold after construction. No enforceable legal mechanism is proposed to ensure maintenance of acoustic fencing, visual screening, or

wildflower habitats for 40 years. This undermines the long-term viability of proposed mitigation and conflicts with BNP Policy NE5.

10. Overdevelopment and Cumulative Impact

o This is the fourth BESS development proposed in this locality (after 23/0962/MFUL, 24/2664/MFUL, and 25/0063/MFUL), within the same construction timeline.

o The cumulative impact on visual amenity, traffic, landscape, and agricultural land has not been assessed, despite NPPF Paragraph 198 requiring such an evaluation.

o Without a strategic cumulative Environmental Impact Assessment, the application fails the sustainable development test under EDLP Strategy 3 and BNP Policy D1.

Conclusion Broadclyst Parish Council objects strongly to the proposed development and recommends that planning permission be refused for the following reasons:

1. Non-compliance with national, local, and neighbourhood planning policy, particularly in respect to landscape protection, noise control, design quality, and sustainable development.

2. Failure to assess cumulative environmental and infrastructure impacts, despite this being the fourth BESS development proposed in close proximity, alongside existing large-scale solar installations and major housing schemes. There is no evidence of a joined-up approach to construction traffic management, air quality mitigation, or ecological impact across these developments.

3. Inadequate mitigation for noise, visual harm, construction disruption, air quality deterioration, and flood resilience, leading to unacceptable impacts on local amenity, public health, and countryside character.

4. Lack of robust assessment and safeguards relating to fire safety, pollution, and water contamination, including the risk of toxic gases and contaminated run-off into Cranny Brook in the event of battery failure or fire, and no evidence of consultation with the local fire authority.

5. Significant loss of productive farmland, adding to over 100 acres already converted to solar and battery installations, without clear justification or demonstration that this scale of land-take accords with sustainable development principles.

6. Absence of enforceable commitments for long-term site maintenance, particularly with regard to screening, acoustic controls, ecological measures, and reinstatement of agricultural land following cable installation.

7. Failure to demonstrate how biodiversity impacts will be avoided or mitigated, including further fragmentation of wildlife corridors and restriction of deer, badger, and fox movement through extensive fencing and infrastructure.

8. Lack of good practice in engaging with directly affected landholders, specifically the tenant farmer whose land will be significantly disrupted during the underground cable installation. For the sake of full transparency, the Council notes that the tenant farmer affected by the proposed cable route is also an elected member of Broadclyst Parish Council. However, this councillor has declared a Disclosable Pecuniary Interest (DPI) in this matter and has taken no part in discussions or decisions relating to this representation.

This objection is made independently by the Parish Council as a whole, in line with planning policy and community concern, and reflects a general principle that all landowners and tenants materially affected by a proposal should be directly consulted and adequately considered in the planning process. Broadclyst Parish Council respectfully urges that no determination be made until the following conditions are satisfied:

- o Direct consultation is undertaken with the affected tenant farmer;
- o A comprehensive reinstatement and disruption mitigation plan is submitted and secured;
- o Clear access and compensation arrangements are agreed and publicly documented;
- o A cumulative environmental and infrastructure impact assessment is completed, covering all relevant BESS and major developments in the area;
- o A coordinated construction traffic management strategy is established across all known BESS developments, including measures to address road safety, air quality, and road repair obligations. Until these requirements are met, the proposal remains inconsistent with the principles of fair, sustainable, and locally accountable planning. Finally, for the record and to ensure compliance with planning and case law, the Council wishes to state that:

In accordance with the UK Supreme Court ruling in *R (Wright) v Resilient Energy Severndale Ltd and Forest of Dean DC* [2019] UKSC 53 and the legal principles from *Newbury DC v Secretary of State for the Environment* [1981] AC 578, the Parish Council recognises that voluntary community benefit contributions are not material planning considerations. Any discussions with the applicant regarding community benefit are entirely separate from the planning process and have had no influence on this representation. They are pursued independently, in line with good practice, to secure fair, voluntary benefits for the host community where appropriate.

County Highway Authority

The County Highway Authority (CHA) has reviewed the planning application document and visited the site.

The construction of BESS's are time limited and due to the nature of these establishments tend to produce limited trip generation once in operation, due to their low maintenance requirements and self-sufficiency in operation.

The proposed location is near to the grid transmission site and therefore would involve reduced construction and/or vehicular trips. The planning documents includes a comprehensive Construction and Environment Management Plan (CEMP), which will help to mitigate any highway network impacts during construction, including 'just-in-time' deliveries, routeing utilising the M5, B3181 and Whimble Road along with limited hours of operation Therefore, in summary, the County Highway Authority (CHA) has no objection to this planning application.
Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

EDDC Landscape Architect

27.10.2025

Addendum Response

1 Introduction

This report forms the EDDC's addendum landscape response to additional landscape related information recently submitted for the above development.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous EDDC landscape response dated 13 August 2025.

2 Response to previous EDDC landscape comments

Growth rates for mitigation planting

I note the comments from the applicant's landscape consultant regarding plant growth rates and supply sizes.

In respect of growth rates I would refer to an article titled 'Predicting tree and hedge growth' by Chris McDermott, published originally on the IEMA website and now on the ISEP (Institute of Sustainability and Environmental Professionals) website: <https://www.isepglobal.org/articles/predicting-tree-and-hedge-growth>

This suggests appropriate assumed growth rates for transplants of 0.3m per year in the first 5 years post planting and 0.5m per year for the next 10 years. On this basis transplants sized 0.6m high at time of planting could be reasonably expected to achieve 4.6m height after 10 years.

I note from the landscape consultant's response that it is proposed to plant light standard, standard and heavy standard nursery stock, the latter up to 4.25m high. Such large specimens are likely to go into planting shock for 2-3 years before they start to put on new growth and their successful establishment would be heavily reliant on regular watering during drought periods in the first three years which, in practice, will be difficult to achieve in this relatively remote location.

It should also be recognised that it takes many years for trees to achieve a dense canopy and there are likely to be filtered views through canopies of both proposed trees and existing hedges particularly in winter months, in which site infrastructure will be evident.

Landscape sensitivity

In respect to comments and accompanying photographs of existing electrical infrastructure in the area I note that the photographs mostly show pylons and associated cabling. Pylons are an accepted feature in many rural areas including National Landscapes. Although they are detracting elements they do not generally result in changes to topography, landcover or land use. I consider that other electrical infrastructure in the area is not yet at a level where it defines landscape character.

Paint colour

The confirmation that battery containers can be finished in dark green is noted and welcome and will reduce their conspicuity.

Additional Planting

The inclusion of additional planting to the southern site boundary as previously requested is also noted and welcome.

Acoustic fence limitations

My comments about potential sound transmission from battery units on the upper terraces over the top of the proposed acoustic fence to sensitive receptors to the north do not appear to have been addressed.

Transport Assessment

No clarifications have been provided in relation to my comments regarding access requirements for site craneage or abnormal loads. If such attendance is required additional swept path analysis should be provided.

Additionally there is a lack of clarity regarding the extent of hedge removal at the main site entrance from the south and requirements for junction widening. In order to properly understand the extent of vegetation clearance and surfacing extension that may be required a detailed junction plan at 1:100 scale should be provided showing fully the extent of clearance, surfacing and any associated edgings and gats/ fencing required together with required visibility splays.

3 Additional matters

Arboricultural impacts

My previous response did not consider impacts of cable trenching works between the site and Exeter sub-station. The proposed route crosses four hedges where horizontal boring techniques should be employed to take cables under the proposed hedges without disturbance of rooting zone.

4 Acceptability of proposals

Notwithstanding the amendments and clarifications provided by the applicant to my previous comments I maintain my objection to the proposed scheme due to the landscape and visual harm.

EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA) (Clarkson and Woods Ecological Consultants, May 2025), a Biodiversity Net Gain Statement (Clarkson and Woods Ecological Consultants, May 2025) and supporting metric calculations, habitat condition assessments and pre- and post-development habitat plans.

Designated Sites

There are no predicted impacts on any designated sites for wildlife interest.

Ecological Surveys

Ecological surveys determined the site supports legally protected and notable species including, hazel dormice, foraging and commuting bats including Annex II species lesser and greater horseshoe and barbastelle bats, badgers (including 3 outlier setts), reptiles and has suitable habitat to support nesting birds, common amphibians, commuting otters, hedgehogs, brown hare, and harvest mice.

The EclA considers there is unlikely to be any significant impacts on ecological receptors subject to mitigation, compensation and enhancement measures being secured and successfully implemented.

Protected and Notable Species

Great Crested Newts

The site is within a great crested newt (GCN) consultation zone; environmental DNA surveys of 6 ponds within 250 m of the site concluded GCN are likely absent from the site.

Dormice

Surveys undertaken on the adjacent development site (Ref: 25/0063/MFUL) by Western Ecology in 2024 confirmed the presence of dormice. Given the proximity and connectivity of suitable habitat, it is reasonable to conclude that dormice are highly likely to occur within the current site boundary.

Development proposals include the permanent removal of up to 9 m of hedgerow for access and a further temporary removal of 5 sections of 5 m of hedgerow for cable installation. It is proposed to re-instate these sections post development. In accordance with the mitigation hierarchy, avoidance of hedgerow impacts should be explored in the first instance, i.e. through the use of directional drilling.

The cumulative hedgerow removal required to facilitate the development could result in impacts on dormice - in addition to other species such as nesting birds, hedgehogs, reptiles, and common amphibians. The works will require a dormouse mitigation licence from Natural England.

Section 3.6.40 of the EclA advises the use of precautionary working methods during vegetation clearance to minimise risks to protected species. Any habitat removal should be undertaken under the supervision of a suitably qualified and licensed ecologist to ensure legal compliance and best practice. In addition, compensatory hedgerow planting has been proposed and is considered acceptable,

Badger

The EclA considers the proposals could result in the destruction of a single entrance outlier badger sett and possible disturbance of additional active badger setts during construction, and that a badger licence from Natural England will be required. Additional mitigation measures have been provided; the details of which must be included within the Construction and Ecological Management Plan (CecoMP).

Non-native invasive species

Himalayan balsam has been recorded near the entrance to the Exeter Substation. In accordance with Section 3.6.66 of the EclA, a strategy to prevent and contain the spread of Himalayan balsam will be developed and implemented, to be included in the Construction and Ecological Management Plan (CecoMP).

Hedgerows

As outlined above, the use of directional drilling for cable installation should be considered as a means to reduce potential adverse impacts on the five sections of hedgerow proposed for removal and subsequent replanting.

Ecological mitigation, compensation and enhancement

The proposed mitigation, compensation, and enhancement measures are generally appropriate and proportionate to the likely impacts for a development of this scale. I recommend the number of bat and bird boxes should be increased to 7 of each type, installed on mature trees around the site and provision for reptile and amphibian hibernacula should be provided.

Biodiversity Net Gain (BNG)

The BNG assessment and calculations indicate the post development proposals are realistic and will meet the biodiversity gain objective with all biodiversity gains achieved onsite.

There are several post development habitat creation and enhancement proposals considered to be 'significant onsite gain' and will require a Habitat Management and Monitoring Plan (HMMP) to include details of 4.95 ha of wildflower grassland, 0.78 ha of mixed scrub, c. 281 m of native species-rich hedgerows, some associated with a bank and trees, and the creation of a ditch. These habitats must be secured by a Section 106 legal agreement and will be subject to a monitoring contribution.

3 Conclusions and recommendations

The submitted ecological survey information including ecological avoidance, mitigation and enhancement measures are generally considered acceptable subject to conditions

Environmental Health

No objection subject to a CEMP and lighting condition.

14.04.25: I've reviewed the additional Technical Note provided by Tetra Tech. I am satisfied with the response given. In term of noise from the development, I do not anticipate any environmental health concerns.

Conservation

Conservation Team do no wish to comment. Case Officer to assess.

DCC Flood Risk Management Team

I will leave fire management with EDDC sorry. We only provide comments on it as there could be a crossover if pollutants from treatment of fires will get into the surface water drainage system.

I could propose the following condition:

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

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is

a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref. , Rev. , dated) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

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

National Gas/National Grid

No objection to the proposal provided the applicant has a valid connection agreement and an agreement for their proposed cable route through our land around Exeter substation via the Use of NGET Land process.

Devon County Archaeologist

Thanks for the geophysical survey report. I think in the light of these results any archaeological mitigation could be achieved through the application of the usually recommended archaeological conditions and achieved by a staged programme of works starting with a limited programme of field evaluation followed, if required, small scale excavation or mitigation by design.

South West Water

No objection,

If a fire supply is required depending upon the flow required it is likely that the water supply network would need to be upgraded which would take up to 18 months to be completed.

Devon County Council Waste Management

No objection subject to a condition requiring the submission of a Waste Audit Statement prior to the commencement of the development.

Green Infrastructure Project Manager

I note the outcomes of the LVIA and Visual Receptors Plan - this doesn't consider the visual amenity of walkers and cyclists using the lanes around Broadclyst and Ashclyst Forest which are identified as a network of 'Quiet Lanes' in the Clyst Valley Regional Park masterplan and Clyst Valley and New Communities LCWIP. The impact on walkers using Footpath 28, immediately adjacent to the site, is also underplayed in the LVIA and visualisation for Viewpoint 1 which shows the proposed the proposed woodland planting achieving a significant height within 10 years. The viewpoint methodology does not specify the species or size of the proposed planting, management of this or the assumed growth rates for the trees - which appear to have reached a mature height of over 10m in 10 years.

That said the mitigation planting is likely to mitigate against the visual impact on users of the footpath, albeit over a longer timescale (subject to planting specification and management).

It is important that the mitigation planting proposed (Figure LV8) is implanted and establishes - therefore appropriate conditions requiring pre-commencement approval of detailed landscape plans and specification, and a landscape and ecological management plan is essential to ensure the establishment and long term maintenance of these hedges and trees and the wildflower meadow. I would also like to see additional mitigation planting to the southern edge of the wildflower area to strengthen the landscape connectivity and visual screening in views from Crannaford Lane and the south (shown indicatively below).

There are a number of Solar Farms (and other energy infrastructure) within the Clyst Valley and it is important to deliver the energy infrastructure required to quickly transition to a zero-carbon energy system that will minimise the potential effects of climate change on our landscapes and natural environment. This location, close to Exeter Substation, has potential to support the energy network - but I would highlight the number of applications for solar farms and battery storage in close proximity to each other within the Clyst Valley Regional Park and the potential cumulative landscape impact of these on the Clyst Valley.

Therefore I refer to Strategy 10 of the adopted local plan - Green Infrastructure in East Devon's West End which states: 'We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.' and policy I also note that policy WS09 - Clyst Valley Regional Park in the emerging Local Plan which states that:

'Development proposals within and adjacent to the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission. All major development proposals within or on land adjacent to the Clyst Valley Regional Park will need, directly or through mitigation, to:

- A. Meet local plan policy requirements for Green and Blue Infrastructure;
- B. Provide connected cycling/walking infrastructure, where possible, including extension of or links to the Clyst Valley Trail;
- C. Restore and enhance the landscape character and sense of place of the Clyst Valley;
- D. Reduce recreation pressure on environmentally sensitive locations, through the creation of accessible green space and where appropriate Suitable Alternative Natural Greenspace (SANG);
- E. Contribute to the achievement of excellent ecological status in the River Clyst and tributaries, through enhanced natural flood storage, capture of run-off and restoration of soil health;
- F. Contribute to or make proportionate contributions to the following CVRP targets:
 1. Creation and/or restoration of 1,000 hectares of priority natural habitat within the Nature Recovery Network;
 2. 30% tree canopy cover in accordance with the East Devon Tree, Woodland and Hedges Strategy;
 3. 740 hectares of Public Open Space meeting 'Building with Nature' or 'Green Flag Award' standards;
 4. 80 km of traffic-free trail and quiet way meeting LTN 1/20 design standards - see Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)'

Therefore I would request that this application, and the other applications in close proximity, provide an financial contribution of £20,000 to support tree and woodland planting within the CVRP - contributing to the delivery of CVRP objectives and compensate for the cumulative landscape impact of these developments.

Devon and Sommerset Fire Service

Thank you for your consultation regarding the above. I've completed a comparison of the 2025 OBSMP with the 2026 NFCC guidance. It is important to recognise that the original OBSMP was prior to the new NFCC guidance there will likely be some differences.

DSFRS Observations

Whilst DSFRS is not a statutory consultee in relation to this project, we welcome opportunities to work and engage with stakeholders to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.

DSFRS recognises that Battery Energy Storage Sites (BESS) pose specific hazards in the event of fire that are still not fully understood or researched. As a result, regulations, enforcement and best practice to mitigate the risk from BESS is still in development.

The Fire Service's own powers of enforcement under the Regulatory Reform (Fire Safety) Order 2005 require the Responsible Person to carry out and regularly review fire risk assessments to protect relevant persons by identifying fire risks and removing or reducing them to as low as possible. It also requires the Responsible Person to mitigate against those fire risks that remain.

To support this application an Outline Battery Safety Management Plan (OBSMP) has been developed and submitted to us which provides sufficient detail to enable us as the Fire and Rescue Service to pass comment.

DSFRS' response to a OBSMP will be led by the guidance produced by the National Fire Chiefs Council (NFCC) 'Grid Scale Battery Energy Storage System Planning'. In the absence of regulated code, our response will be evidence based and influenced by the size and nature of the development.

<https://nfcc.org.uk/our-services/building-safety/grid-scale-energy-storage-system-planning-guidance-for-fire-and-rescue-services/>

Any alternative solution or mitigation strategies to those detailed in the NFCC guidance should be evidence based, detailing how they meet the same benchmarks.

Based on the information provided, DSFRS would make the following observations:

Battery Chemistry

The 2026 NFCC guidance recognises both LFP Batteries and NMC Batteries and identifies LFP batteries as currently having better thermal stability than NMC Batteries. The Battery chemistry specified in the OBSMP indicates that the chosen batteries are not currently identified. Whilst this is relatively typical at this stage, DSFRS would advise that further confirmation should be provided at a later date.

Detection and Monitoring

The 2026 NFCC guidance advises early detection and disconnection (once detected) through a suitable Battery Management System (BMS). The OBSMP does indicate these will be included. The specific system is not identified; however, DSFRS understands this is typical at this stage.

Suppression Systems

The 2026 NFCC guidance recognises that suppression, be it inert gas or aerosol, will have little effect on a thermal cell event. Its primary role is to prevent a fire in ancillary electrical equipment spreading to battery modules.

The OBSMP does indicate a suppression system will be included. The specific system is not identified; however, this is typical at this stage. DSFRS understands that this is relatively typical at this stage.

Explosion Control (Deflagration Protection)

The 2026 NFCC guidance indicates the BESS containers should be fitted with Explosion Control (Deflagration Protection). The guidance further indicates that British Standards (BS) or NFPA standards as suitable safety benchmarks.

The OBSMP does indicate Explosion Control (Deflagration Protection) will be included. The specific system is not identified. Whilst this is relatively typical at this stage, DSFRS would advise that further confirmation should be provided at a later date.

Site Location

The 2026 NFCC guidance considers that analysis of sensitive receptors (within 1km of the location) and any impacts a fire may have on such receptors should be undertaken. Prevailing wind direction should also be given suitable consideration.

The OBSMP does indicate that there are no buildings within 25m of the BESS units. Prevailing wind direction is identified as south to southwest.

Access

The 2026 NFCC guidance advises 2 points of access (or suitable perimeter road) that broadly align to Section B5 of Approved Document B. As with site location, identifying the prevailing wind direction is important as the separate access points should prevent FRS (Fire and Rescue Service) staff from operating in vapour/gas clouds.

The OBSMP does indicate that 2 separate access points will be provided which both appear to be accessed via the same carriageway. The OBSMP does indicate that 2 separate access points will be provided which both appear to be accessed via the same side of the site. DSFRS would recommend that consideration be given to the road infrastructure that leads to the site i.e. it's appropriateness for emergency service vehicle use.

Spacing Between BESS Units

Guidance on spacing between BESS units within the 2026 NFCC guidance does differ from the previous iteration. The guidance indicates that, with control measures to prevent fire spread from cabinet to cabinet, the spacing can be reduced to a maximum of 0.914m (3ft). To achieve this reduction in spacing, the NFCC guidance advises adoption of NFPA standards.

The OBSMP does indicate that spacing between clusters will be 4 meters. DSFRS would advise that further information regarding the protective measures that prevent further fire spread within clusters and the number of units within a cluster arrangement should be provided when the units are procured. DSFRS understands that procurement typically occurs at a later stage.

Site Conditions

The 2026 NFCC guidance advises that areas within 3m of BESS cabinets should be kept clear from combustible vegetation. Outside of this 3m, the vegetation within the site should also be managed.

The OBSMP indicates that BESS units will sit on concrete slabs over gravel. Whilst there is no specific figure given at this stage, the OBSMP does appear to indicate the predominant surface will be gravel.

Water Supplies

The 2026 NFCC guidance is clear in its advice that additional on-site water supply must be available, however, does allow greater variance in how this water is supplied (hydrants, water tanks lagoons etc) and how much is supplied (based on firefighting strategy).

The OBSMP indicates that firefighting water will be provided via static water tank which will provide approx. 240,000l.

Signage

The 2026 NFCC guidance indicates signage should be present for relevant hazards, BESS type, suppression and 24/7 contact details.

The specific signage is not identified. This is typical at this stage, however, DSFRS would welcome further information regarding this prior to the site becoming operational.

Outline Battery Safety Management Plan (OBSMP)

The 2026 NFCC guidance advises information within the OBSMP should include both information on safety features and emergency response. It is recognised that Site Specific Risk Information (SSRI) is unlikely to be available prior to procurement and construction.

The OBSMP does indicate that general fire safety is being considered and precautions will be taken regarding the BESS units. Provisional information relating to how emergency response and risk management plans will be developed is also included within the above documents.

Site Plans and Maps

The 2026 NFCC guidance advises site plans and maps should be included within the OBSMP. The OBSMP does provide outline site plans and maps.

It is recognised that Site Specific Risk Information (SSRI) is unlikely to be available prior to procurement and construction. DSFRS would welcome further information regarding this prior to the site becoming operational.

Other Representations

Five objection comments received from third parties raising concerns over the following:

- Risk of fire.
- Contamination of local watercourse.
- No plan for the recycling of batteries.
- Lack of need.
- Recovery funds for decommissioning phase.
- Air pollution.
- Impact of construction traffic.
- Noise pollution.
- Cumulative visual impact.
- Overdevelopment of the site.
- Impact on wildlife and environment.
- Light pollution.

PLANNING HISTORY

Reference	Description	Decision	Date
24/0009/EIA	Screening opinion for the construction and operation of a battery energy storage system and associated works	CLOSED	10.01.2025

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development) Adopted
Strategy 7 (Development in the Countryside) Adopted
Strategy 38 (Sustainable Design and Construction) Adopted
Strategy 39 (Renewable and Low Carbon Energy Projects) Adopted
Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted
D1 (Design and Local Distinctiveness) Adopted
D2 (Landscape Requirements) Adopted
D3 (Trees and Development Sites) Adopted
EN5 (Wildlife Habitats and Features) Adopted
EN6 (Nationally and Locally Important Archaeological Sites) Adopted
EN13 (Development on High Quality Agricultural Land) Adopted
EN14 (Control of Pollution) Adopted
EN18 (Maintenance of Water Quality and Quantity) Adopted
EN21 (River and Coastal Flooding) Adopted
EN22 (Surface Run-Off Implications of New Development) Adopted
E4 (Rural Diversification)
E5 (Small Scale Economic Development in Rural Areas) Adopted

TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Broadclyst Neighbourhood Plan (Made)

D1 High Quality Design

Policy DC3: Sustainable Drainage

Policy NE1: Protecting Woodland

Policy NE4: The Protection and Enhancement of Hedgerows

Policy NE5: Landscape and Biodiversity

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC01 (Climate emergency) Draft

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

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

Strategic Policy CC04 (Energy storage) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS04 (Green and blue Infrastructure) Draft

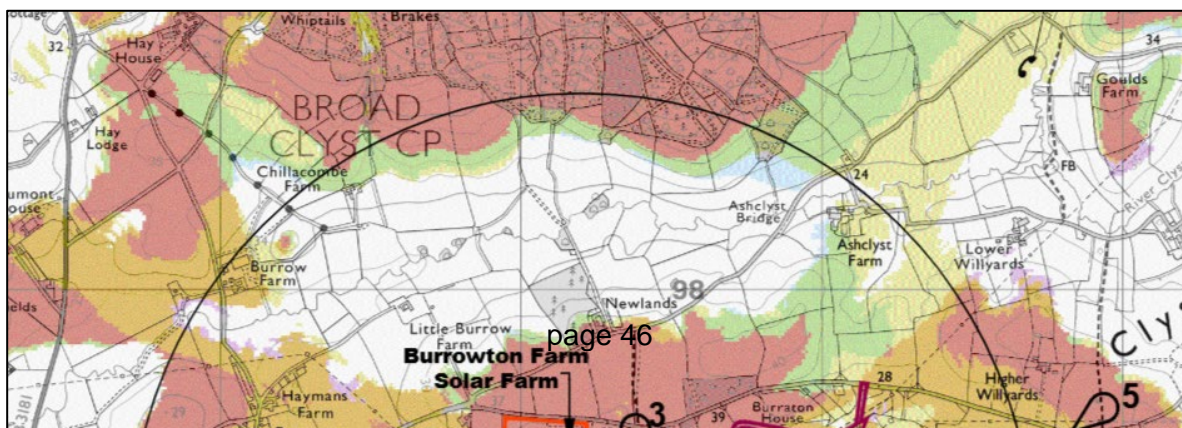
Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Site Location and Description

The application site comprises approximately 10.5 hectares of agricultural land situated around 400 metres south-west of the Exeter National Grid Substation, approximately 1.4 km east of Broadclyst and 1.5 km north of Cranbrook. The main development area consists of two arable fields that gently slope northwards, enclosed by mature hedgerows and boundary trees of varying age and structure. The wider landscape is rural in character, containing scattered farmsteads, woodland blocks and agricultural land although the immediate area also features significant energy-related infrastructure, including three operational solar farms and the existing substation (See figure 1 below).

The site is accessed primarily via an existing agricultural track to the south from a Class C road from Loxbrook Cross to Crannaforde Cross. The nearest dwelling lies approximately 80 metres to the south-east, associated with the adjoining farmstead. The site is not subject to any statutory landscape or ecological designations, although it lies within open countryside and is partly intersected by the Clyst Valley Regional Park. A public right of way (Broad Clyst Footpath 28) runs along the eastern boundary, separated from the site by an existing hedgerow.



Proposed Development

The proposal seeks full planning permission for the construction and operation of a Battery Energy Storage System (BESS) with an approximate capacity of 125MW, together with associated infrastructure, access arrangements and a cable connection to the existing Exeter Substation. The BESS compound would accommodate battery container units, inverters, transformers, switchgear, internal access tracks, security fencing, acoustic fencing, CCTV, and landscape planting.

Access for construction and operation would be via a track that forks to an alternative access in the event of a fire. The cable corridor would extend approximately 650 metres across agricultural land to the boundary of the National Grid substation. The applicant seeks a temporary operational period of 40 years, after which all infrastructure would be removed and the land restored to its current agricultural use. The proposal also includes landscape mitigation planting, biodiversity enhancements, drainage infrastructure, and a fire safety management framework as set out in the supporting technical documents.

The main issues for consideration are the following:

- Principle of development.
- Landscape and Visual Impacts.
- Fire Safety.
- Impact on neighbouring amenity.
- Loss of Best and Most Versatile (BMV) agricultural land.

- Ecological impact,
- Surface Water Attenuation.
- Highway impacts.

Principle of Development

Strategy 7 (Development in the Countryside) does not permit development outside of Built-Up Area Boundaries unless explicitly permitted by some other policy in the Local Plan or an adopted Neighbourhood Plan. One such policy is Strategy 39 (Renewable and Low Carbon Energy Projects) and this permits such developments in the open countryside subject to criteria.

Strategy 39 of the Local Plan states that:

‘Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.’

The Council accept that battery energy storage installations are ‘low carbon energy’ projects as this is defined in the Local Plan as including technologies ‘that can help reduce emissions (compared to conventional use of fossil fuels)’. In simple terms, such energy storage facilities can be used to store energy from the grid when renewable or other energy generation (not necessarily from the solar farm at the site) is in excess of demand.

Prices during this time will be lower (supply exceeding demand) and can be sold back to the grid later when prices are higher, which typically is when renewable generation is low. The power fed back to the grid will reduce the amount of non-renewable generation required during such times and will increase energy supply stability as we move to an increase in renewable energy supply, and in this way is considered to reduce emissions that otherwise would have been generated.

The Planning Inspector noted in the decision letter relating to an appeal against the refusal of 22/2216/MFUL (also for a BESS scheme) that:

42. Whilst the proposal would not generate renewable energy, it would nonetheless store power. This is significant as typically wind turbines and solar panels have

variable generation and this supply needs to be managed. Demand too will vary according to season and time of day. Given these variables, battery storage is essential to help manage the use of renewables so that they can be relied upon, which 25/0063/MFUL supports their continued development and a low carbon future. Whilst the 24/2664/proposal will manage all electricity use, including that generated by fossil fuel, it will still manage some renewables. Moreover, the proposal is for a 40 year use and the vast majority of energy stored would be from renewable sources: the Overarching National Policy Statement for Energy (NPS) foresees that by 2035 all our electricity will need to come from low carbon sources, subject to security in supply.

And also:

44. Indeed, the Renewable and low carbon energy Planning Practice Guidance, (the PPG) encompasses battery storage and acknowledges its de-carbonising role. The NPS goes further stating storage has a key role in achieving net zero. Similarly, the Glossary to the Framework defines low carbon technologies as those that can help reduce emissions. Consequently, I find these confirm that the proposal represents a low carbon project for the purpose of the development plan and the proposal would not be contrary to Strategy 39.

The principle of development is therefore considered to be acceptable insofar as it is a 'low carbon energy' project as defined in the Local Plan.

The NPPF (December 2024) also now lends support in principle to the proposed development. Paragraph 165 makes clear the aim to 'help increase the use and supply of renewable and low carbon energy and heat' through appropriate plans. Paragraph 168 of the NPPF requires that – "When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future."

The principle of the development is acceptable and is supported by local and national planning policy.

Character and Appearance of the Area

The development will introduce industrial scale-built form battery units and ancillary equipment as depicted in the submitted elevations and sections of the battery compound and substation. The compound consists of 108no. battery units and 36 transformer units evenly spaced across three tiers and is accessed via two entry points on the eastern boundary.

The substation is sited in the parcel to the east alongside three single storey buildings, one that houses two switch rooms, control rooms, an office and welfare space, and two transformer rooms. The northern perimeter of compound and substation will be bordered by a 4-metre-high acoustic fence.

The application is supported by a Landscape Visual Appraisal (LVA) which has been reviewed by the Council's Landscape Architect. The Council considers the site to have a moderate-high susceptibility and medium value, resulting in medium sensitivity and a substantial magnitude of change at completion, giving rise to moderate adverse effects, reducing over time as planting as detailed on the submitted landscaping scheme (DRWG: LV8 REV A) matures. The applicant, by contrast, argues that while the development results in adverse harm, its influence is highly localised and limited due to landform and vegetation, and ultimately minor or negligible.

In terms of landscape character effects, the proposal would result in a clear change from rural farmland to developed electrical infrastructure. The level of engineering works to facilitate construction of the tiered battery compound and new built elements would contrast with the rolling arable landscape. Additionally, officers are also mindful that the proposals are another substantial piece of energy infrastructure in a landscape already experiencing incremental industrialisation, particularly reflected in existing solar farms at Burrowtan, Saundercroft and Crannaford Farm and permitted BESS schemes, resulting in sequential cumulative harm.

With regards to visual effects there is broad agreement that Broadclyst Footpath 28 (running adjacent to the eastern and northern boundaries) would experience the most significant visual effects. The applicant's LVA identifies major/moderate effects at completion for walkers at Viewpoint 1, reducing to minor by Year 10 with successful woodland and hedgerow planting. The Council's Landscape Architect generally concurs with this assessment of initial harm but stresses that mitigation planting will also block attractive current rural views, and that even when planting matures, the development may remain perceptible and audible, particularly in winter, with an enduring reduction in visual amenity that the LVA underestimates.

During an officer site visit it was noted that the development would also be perceptible from the rural road to the north of the application site between the crossroads with Burrow Road and Exeter Substation. It appears that some recent hedge removal has been undertaken which is potentially why this has not been included as a viewpoint within the LVA. Regardless, whilst during the summer months much of the mature tree line along the northern boundary would provide some screening of the battery compound and a lesser extent the substation, filtered views of both elements will be possible.

Overall, even when considering the effects of mitigation planting, the development results in industrialisation of a greenfield site requiring significant engineering works to facilitate the three terraces of the battery unit compound. The level of harm to landscape character, including tranquillity, and visual effects fail to meet Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan and Policy NE5 (Landscape and Biodiversity) of the Broadclyst Neighbourhood Plan.

Surface Water Attenuation

Surface water run off generated by the battery compound and substation will be managed using a gravel attenuation base situated beneath the units, which provides

approximately 1,228 m³ of storage which accommodates for a 1 in 100 year (event) plus 30% climate change event and discharges at a restricted rate of 4.9 l/s (equivalent to greenfield run off rates) via a hydrobrake penstock chamber that can be sealed during a fire event. Technical Note 001 states that the gravel bases have been designed to 'store both regular and design rainfall as well as fire water' (paragraph 2.2.1).

The substation compound incorporates a filter drain to manage runoff from impermeable elements, with flows limited to 1.2 l/s, while isolated auxiliary transformers and water tanks drain to infiltration trenches or gravel bases sized to accommodate the full design storm without outflow. These features, including the exact positioning of the hydrobrakes and penstock, are annotated on the SUDS plan (DRW:60-100 REV 02) on the Technical Note 001 prepared by Calibro (dated 01.08.2025).

The LLFA within their initial comments required confirmation that the entire gravel base will be fully remediated after any fire event. In addition, the LLFA requested a screenshot of the Flood Estimation Handbook (FEH) catchment map showing the pin location and the associated catchment descriptors and that the drainage design must also apply a 45% climate change allowance to reflect the potential future renewal of the planning permission and the need for robustness over an extended development lifetime.

In response, Technical Note 001 has provided the FEH descriptor Map, Substation Area Plan and clarified that the red edging of the Location Plan that extends north east up to Exeter Substation is only for cable routing. As the cable would need to cross the watercourse to the north of the battery compound and substation the LLFA have stipulated that consent shall be required from Devon County Council's Flood and Coastal Risk Management Team. An outfall into the Ordinary Watercourse will also require Land Drainage Consent. Proof of these agreements shall be secured via planning condition as requested by the LLFA in their latest set of comments. The Environment Agency have been notified of this arrangement.

With regards to remediation of the drainage system, the gravel base would be limestone based which the FRA states can neutralise any hydrofluoric acid (HF) released during a fire event. The BESS units are designed to be watertight and therefore reducing the risk that surface water would become contaminated. In any event, even if the surface water within the gravel bases were to become polluted, the drainage system can be shut off in the event of the fire, Technical Note 001 confirms that can be tested for contamination and manually removed.

The applicant has not demonstrated that the SUDS scheme capacity includes an allowance for 45% climate (rather than 30%). Notwithstanding this, the LLFA only requested this on the basis that the applicant, developer or subsequent landowner may seek to renew the permission after the 40 years currently applied for. In this case, if such an application were to be made, then the SUDS scheme would need to be reconsidered against planning policy, adopted guidance and development management policies at that time. It is therefore the opinion of officer's that the indicative SUDS scheme's failure to accommodate for potential surface water anticipated beyond the lifetime of the development would be unreasonable.

The LLFA, having reviewed Technical Note 001, have withdrawn their objection and propose that the detailed design of the SUDS scheme is secured via planning condition and should include the following:

- Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
- Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.
- If required, a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

It is the view of officers that an additional requirement for the submission of a Controlled Waters Environmental Risk Assessment shall be included. The primary purpose for this is to ensure that the development and SUDS shall contain fire-water without infiltrating into the ground or entering any local water catchments.

Subject to compliance with conditions listed at the end of the report, officers are satisfied that the flood risk and surface water attenuation features accord with Policy EN22 (Surface Run-Off Implications of new Development) and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan

Fire Safety

As detailed within the previous section of the report, the drainage strategy proposes a sealed drainage system that could be shutoff via a penstock in the event of fire and suppression water being required. This would prevent discharge from the BESS area until such time that the water can be tested for contamination and pumped out if contamination is present or released if not. The applicant has not provided exact details of contingency measures to remediate the gravel base in the event of contamination. Accordingly, this shall be required via condition, the details of which shall be submitted prior to commencement of the development.

The application is also supported by an Outline Battery Safety Management Plan (OBSMP) (dated March 2025). The document is informed by the following standards:

- Planning Practice Guidance
- Fire and Rescue requirements detailed in the National Fire Chiefs Council (NFCC).

However, since submission of the application in the middle of 2025 the NFCC guidance was updated in December 2025 – superseding former guidance published in 2023. The guidance introduces an expanded framework for planning and fire safety management. It more than doubles the number of sections and places stronger emphasis on early engagement between developers and Fire Rescue Services (FRSs). Key changes include the requirement for a comprehensive risk management process leading to a robust battery safety management plan and site-specific emergency response plan, new guidance on explosion control, and revised separation distances which permit reductions to 0.914 m (3 ft) where systems meet evidence-based testing such as UL 9540A (Fire Safety Test), compared with the previous general 6-metre recommendation. Overall, the updated guidance aims to ensure proportionate, evidence-based fire safety measures without placing an undue burden on developers.

The below table seeks to assess the OBSMP against the updated guidance.

NFCC Requirement	Compliance Status	Comments / Evidence
1. Access – minimum of two separate access points to the site	Compliant	The OBSMP provides two access points for emergency services and considers prevailing winds. The potential for both points of access to be obscured is ‘very low’.
2. Roads/hard standing capable of accommodating FRS vehicles in all weather conditions	Compliant	Hardstanding and access roads are stated to meet Building Regulations B5 and NFCC expectations.
3. Perimeter road and passing places suitable for fire appliances	Compliant	Service road layout enables full circulation consistent with NFCC guidance.
4. Unobstructed access to all areas of facility	Compliant	Layout ensures all BESS units can be reached by FRS vehicles.
5. Turning circles, passing places to be sized per FRS fleet	Compliant	Turning areas align with Approved Document B5 and DSFRS expectations. The layout provides a continuous loop and opportunities for turning where internal access roads meet.
6. Minimum distance to occupied buildings (NFCC 2025 = 30 m)	Compliant	OBSMP uses 25 m based on older NFCC guidance. NFCC 2025 update now requires 30 m. The nearest building is 67 metres from the nearest battery unit.
7. Access between BESS units – spacing	Compliant (note)	Current plan uses FM Global 2024 spacing (1.5–4 m). NFCC 2025 allows reduced spacing to 0.914 m (3 ft) if UL9540A-tested.

		The current Site Layout Plan indicates spacing of approximately 3 metres.
8. Site conditions – 10 m clear of combustible vegetation	Compliant	Gravel, concrete bases and no vegetation within 10 m meets NFCC requirements.
9. Water supplies – sufficient for boundary cooling	Compliant	The twelve water tanks, arranged in sets of three exceeds former NFCC minimum of 240,000 L storage capacity (1,900 L/min × 120 min). Using the elevations provided the capacity is expected to be approximately 315,000 Litres.
10. Signage	Compliant	Signage to be finalised at ERP stage; consistent with NFCC expectations.
11. Emergency Response Plan (ERP)	Mostly compliant	OBSMP sets framework, but NFCC 2025 requires expanded 20-section ERP coverage. To be completed during DBSMP stage. This shall specifically required via planning condition.
12. Environmental impacts – firewater and pollution control	Compliant	OBSMP includes penstock control, basin containment to retain firewater.
13. System design, construction, testing, decommissioning	Compliant (outline)	Detail to be provided in DBSMP; acceptable at outline stage and shall be secure via planning condition.
14. Deflagration prevention and venting	Partially compliant	OBSMP acknowledges need for venting but does not yet incorporate NFCC 2025's new explosion-control specifics. Shall be required at DBSMP.
15. Risk management process	Compliant	OBSMP framework meets NFCC expectations for comprehensive risk management. This shall form part of the ERP.
16. UL9540A testing	Compliant	UL9540A testing commitment included; aligns with NFCC and NFPA 855.
17. Explosion risk modelling (new NFCC 2025 requirement)	Partially compliant	OBSMP predates 2025 updated explosion-control requirements; needs expansion at DBSMP.

Devon and Somerset Fire and Rescue Service (DSFRS), while not a statutory consultee, has reviewed the Outline Battery Safety Management Plan (OBSMP) in line with the 2026 National Fire Chiefs Council (NFCC) guidance and raises no objection in principle at this stage. DSFRS recognises that BESS fire risk regulation and best practice are still developing and confirms that the OBSMP provides sufficient outline information for the current application, with appropriate commitments to fire detection, battery management systems, suppression, explosion control, water supply, access, spacing, vegetation management and emergency planning.

A number of technical details including battery chemistry, specific safety systems, signage, cluster protection measures and site-specific risk information are not yet

confirmed, which DSFRS considers typical at this stage, but advises these should be provided and agreed prior to the site becoming operational to ensure continued compliance with evolving NFCC guidance and fire safety legislation.

Having reviewed the OBSMP and plans against the updated NFCC guidance officers are satisfied with its compliance with a particular focus on what can be secured and considered at the planning application stage. The submitted Site Layout provides two separate access points, water storage, sufficient distancing between battery units soft landscaping and the nearest buildings at the substation.

Notwithstanding this, a pre-commencement condition is required to secure submission of the Detailed Battery Safety Management Plan. Key information concerning chemical composition of the batteries, fire testing and explosion risk modelling will inform the required deflagration prevention, venting and suppression measures of the units shall be provided.

An additional pre-commencement condition would require the development of an Emergency Response Plan (ERP) in consultation with the DSFRS, which should include the following information:

- How the fire service will be alerted
- A facility description, including infrastructure details, operations, number of personnel, and operating hours.
- A site plan depicting key infrastructure: site access points and internal roads; firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc); drainage; and neighbouring properties.
- Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eye-wash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
- Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
- A list of dangerous goods stored on site.
- Site evacuation procedures.
- Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, grassfire and bushfire.

Given the above, the application is supported by an acceptable Outline Battery Safety Management Plan and the design of the proposed installation has suitable features to minimise the risk of a thermal runaway event. Subject to conditions securing a fully detailed Battery Safety Management Plan and Emergency Response Plan, the proposal complies Strategy 39, and Policies EN14 of the Local Plan and paragraph 8 of the NPPF and the guidance in the NPPG and NFCC and NFPA guidance.

Impact on Local and Strategic Road Network

The Transport Statement & Construction Traffic Management Plan (CTMP - prepared by Mott Macdonald, May 2025) sets out overarching principle for managing the construction phase of the scheme. As reflected in comments made by the County

Highway Authority, the level of traffic movements generated by a BESS, once fully operational, are anticipated to be low. Accordingly, the focus of the Transport Statement focuses on the temporary impacts caused by the construction phase. These are where concerns stem for the Parish Council and third parties.

Once commenced, construction activity is expected to occur over a period of up to 24 months, although the CTMP assesses a 12-month worst-case scenario in which construction traffic is more concentrated. The BESS shall be primarily accessed via the unclassified road off Crannaford Lane. Installation of the cable routing shall utilise the access via the Exeter substation.

Typical movements comprise of around three HGV deliveries per day, together with approximately two LGVs and an average of twenty construction staff travelling by car or van, all of whom will park within the site. HGV movements will avoid peak school travel times and that a banksman and booking system will regulate vehicle arrivals to ensure safe access, avoid conflict and prevent any build-up on the local road network. A small number of Abnormal Indivisible Loads (AILs) may also be required for transformer and cable drum deliveries, with the outline CTMP committing to notifying the Police and Highway Authority in advance.

Appendix C of the of the CTMP depicts construction routes. Route 1, the preferred HGV routing, is via Broadclyst and Pinhoe, avoiding Crannaford Lane due to its level crossing and turning constraints. However, it is considered appropriate for LGVs to use Route 2.

Broad Clyst Footpath 28 will remain open throughout construction, with a 'short temporary diversion' used only when required during cable trenching. The County PROW Officer has been consulted with no objections raised. No off-site highway works are presently required, and swept path analysis confirms that HGVs and emergency vehicles can safely access the site without physical modifications beyond vegetation clearance shown on the plan at Appendix B of the CTMP.

Construction will be overseen by a Traffic Management Group (TMG) responsible for monitoring CTMP measures. Whilst one of the responsibilities of the group is stated to liaise with the LPA and developers to coordinate accordingly where construction phases overlap. Given that a number of recently approved BESS schemes around the Exeter substation also seek to utilise similar routes for construction traffic to reach the M5, it is considered imperative that a collaborative approach is undertaken and that contact details of the CTMP are made available to the Parish Council. It is the view of officers that such evidence, including contact details of the TMG shall be required via pre-commencement condition as part of the standard CEMP condition.

In summary, given the above and the position of no objection from the County Highway Authority, the development is considered to meet the objectives of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

Impact on Neighbouring Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan requires development to avoid adversely affecting the amenity of occupiers of adjoining residential properties. Furthermore, as stipulated within Policy EN14 (Control of Pollution) permission will not be granted for development which would result in unacceptable levels of pollution. The development has the potential to adversely impact nearby receptors through noise generated by the battery containers, inverters and substation transformers. Accordingly, the application is supported by a Noise Impact Assessment (prepared by Tetra Tech Limited dated May 2025).

The assessment considered ten noise-sensitive receptors, representing the nearest residential dwellings around the site. Without mitigation, the BS 4142:2014 rating level assessment identified exceedances at Red Roof Cottage, a dwelling approximately 180 metres to the northeast of the substation and annotated as R04 at Figure 3.1 of the NIA (page 18). To reduce noise transmission from the BESS compound and transformer area, the assessment recommends mitigation in the form of installing two 4-metre-high acoustic barriers, one along the northeast boundary of the BESS and another along the northern edge of the transformer compound. The survey concludes that with the barriers in place, no receptor would experience a significant adverse effect. Notwithstanding this, further information was provided by the applicant's noise consultant (Noise Technical Response Note April 2026) to demonstrate that the cumulative impact of three consented BESS schemes and the Exeter Substation had been considered.

The Environmental Health Team have reviewed the NIA and accepted the findings. Notwithstanding this, further conditions have been recommended to secure a Construction and Environment Management Plan (CEMP) to consider Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements during the construction phase. It is also suggested that working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. These measures are all suggested to ensure the development does not adversely harm existing residents of properties nearby.

Subject to the acoustic fencing being constructed in full prior to the BESS being brought into use and retained for the lifetime of the development and subject to conditions suggested, the development is considered in accordance with Policy D1 and EN14 of the East Devon Local Plan.

Ecological Impact

Protected Species

The submitted Ecological Impact Assessment (Clarkson & Woods, May 2025) provides a review of the site's ecological baseline and the likely effects of the proposed BESS and associated cable route. The EclA confirms that the site supports a range of legally protected and notable species including hazel dormice, foraging and commuting bats (including Annex II species lesser and greater horseshoe bats and barbastelle), badger (three outlier setts), reptiles, common amphibians, nesting and wintering birds, hedgehog, brown hare, and harvest mouse.

The proposals include the permanent removal of up to 9 m of hedgerow for access and a further temporary removal of 5 sections of 5 m of hedgerow for cable installation. It is proposed to re-instate these sections post development. Such removal works will impact dormice habitat and will require a license from Natural England. As shall also be highlighted in the following section of the report that addresses the arboricultural impact of the development, the Ecology officer has encouraged the use of directional drilling in order to minimise the level of hedge removal to facilitate the cable routing. Nevertheless, the level of replacement hedgerow planting proposed is considered acceptable by officers.

The EclA considers the proposals could result in the destruction of a single entrance outlier badger sett and possible disturbance of additional active badger setts during construction, and that a badger licence from Natural England will be required. Accordingly, as per the Conservation of Habitats and Species Regulations, the derogation tests must be met. With regards to Test 1 - the development is considered imperative in order to facilitate low carbon infrastructure therefore has public benefits to justify the need for the license. Given the position of the development in proximity of the Exeter Substation, there is not considered to be reasonable alternatives that need to be considered. Finally, the closing of a single outlier sett is not considered to result in decline in the species population or range and the loss of foraging habitat shall be mitigated. It is therefore the view of officers that the derogation tests are met and therefore Natural England are likely to issue a license.

Additional mitigation measures have been provided; the details of which must be included within the Construction and Ecological Management Plan (CecoMP). The Council's ecologist has also requested that this details measures to contain the spread of Himalayan Balsam recorded at the entrance of Exeter substation.

The Council's ecology officer advises that there are no predicted impacts on designated sites, and that, subject to the secured delivery of mitigation, compensation and enhancement measures, no significant adverse effects on ecological receptors are anticipated. The application is therefore considered to accord with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

Biodiversity Net Gain

The EclA sets out that the developer commits to the creation of 4.95 ha of diverse modified grassland, 0.78 ha of mixed scrub, 281 m of species-rich hedgerows, and a new wet ditch feature, which will deliver substantial ecological uplift. The accompanying Biodiversity Net Gain (BNG) assessment demonstrates that the scheme achieves 49.21% net gain in habitats, 10.23% in hedgerows, and 67.01% in watercourses, all delivered on-site. The ecology officer considers the BNG proposals realistic and appropriate, advising that they must be secured through a 30-year Habitat Management and Monitoring Plan (HMMP), reflecting the scale of habitat creation proposed. This shall ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and

Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

Trees

The Arboricultural Report (Tree Heritage Ltd, May 2025) identifies 27 individual trees, 23 groups, one woodland block and 28 hedgerows within or adjacent to the application site. The assessment confirms that no trees require removal to accommodate the proposed BESS compound and associated access, with the layout maintaining sufficient separation from the root protection areas (RPAs) of retained hedgerow trees. Two areas of hedgerow shall be removed in order to facilitate construction of the access roads into the battery compound. Despite the small scale of submitted plans, the Council's Tree Officer concurs that the BESS site and access route appear to avoid RPAs and are unlikely to generate significant impacts subject to robust tree protection.

However, as highlighted within the previous section of the report, there is a preference for the developer to utilise directional drilling to reduce the extent of hedge removal required to facilitate installation of the cable connection with the substation. A pre-commencement condition shall be applied in the event permission is granted to secure an Arboricultural Method Statement (AMS) to confirm the exact construction method and layout of the cable routing. It is also recommended by the Tree Officer that this should retain and avoid any harmful impact to G20 (Oak).

Overall, subject to conditions requiring the submission of a revised Tree Protection Plan and Arboricultural Method Statement, officers are satisfied that the proposals comply with Policy D3 (Trees and Development Sites).

Loss of agricultural land

The application is supported by a Agricultural Land Classification (ALC) Survey. The land is classified as a mixture of Subgrade 3a (good quality agricultural land) and Subgrade 3b (moderate quality agricultural land). Subgrade 3a is considered Best and Most Versatile (BMV) for planning purposes, whereas 3b is not. The distribution of grades within the 7.9 ha application site is as follows:

- 1.9 ha (24%) – Subgrade 3a (BMV land)
- 5.6 ha (71%) – Subgrade 3b
- 0.4 ha (5%) – Non-agricultural features (hedgerows, gateways)

Subgrade 3a land is classified as Best and Most Versatile (BMV) under the National Planning Policy Framework (NPPF). The access track and the southwestern edge of the BESS compound lie on areas of this land.

In terms of the requirements of Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan requires that any development resulting in the loss of this land will only be granted if there is an overriding need for the development and either of the following tests are met;

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

2. The benefits of the development justify the loss of high quality agricultural land.

In this case the provision of BESS facilities are deemed critical to facilitate the UK's aspirations to decrease its dependency on fossil fuels, to meet its objectives concerning net zero and increase its energy security. The proposals therefore meet sub paragraph 2 of EN13.

Archaeology

The County Archaeology Team have identified that the application site lies in an area of archaeological potential within 100m of a possible prehistoric ring ditch visible as a cropmark on aerial photographs. The proposed development also lies adjacent to the historic farmstead of Lower Burrowton and 'Burrowton' was probably the home of William de Brigge as recorded in the Lay Subsidy Rolls of 1330. The 'burrow' element of the settlement name here may also indicate the presence of ancient earthworks such as prehistoric burial mounds in this area.

After initial objections were raised by the DCC Archaeology Team a Geophysical Survey was submitted. This included a detailed magnetometer survey undertaken in April 2025 to assess the archaeological potential of the proposed BESS site. The survey detected no definitive archaeological features, and overall magnetic disturbance was low and largely confined to field edges. Several responses reflected modern agricultural activity, former ploughing patterns, and a former historic field boundary identified on 19th-century mapping.

In response, the latest set of comments from DCC indicate that their initial objection is withdrawn subject to standard conditions requiring the submission of a Written Scheme of Investigation prior to commencement of the development.

Broadclyst Parish Council Comments

Broadclyst Parish Council has raised objections covering policy compliance, cumulative impacts, landscape and visual harm, amenity, highways, flood risk, fire safety, biodiversity, agricultural land loss and long-term site management. These matters have been fully considered by officers and statutory consultees and are addressed in detail within the main body of this report.

The development is accepted in principle as strategically important low-carbon energy infrastructure, supported by national policy and Strategy 39 of the East Devon Local Plan, which requires significant weight to be given to proposals contributing to grid resilience and climate change mitigation.

Flood risk, drainage and pollution concerns have been addressed through a comprehensive Flood Risk Assessment, Drainage Strategy and Technical Note,

confirming that surface water and potential fire-water will be contained within a sealed system. The Lead Local Flood Authority has withdrawn its objection, subject to detailed design and control measures secured by condition.

Construction and operational impacts on residential amenity, including noise, air quality and lighting, can be satisfactorily mitigated through acoustic fencing and management plans secured via conditions, as confirmed by Environmental Health officers. Construction traffic and cumulative highway impacts have been reviewed by the County Highway Authority, which raises no objection, with enhanced conditions proposed to secure coordination with other schemes, timing restrictions and road protection measures.

Overall, while the Parish Council's concerns are acknowledged, officers conclude that, subject to the recommended conditions, the identified harms do not significantly and demonstrably outweigh the substantial benefits of the proposal. The overall planning balance shall be expounded on further below.

Planning Balance

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the Framework.

In assessing the proposal against the Development Plan as a whole it is necessary to first consider the identified harm and weigh these against the anticipated benefits. In this case the effective industrialisation of agricultural land results in a substantial magnitude of change at completion resulting in moderate adverse effects, with longer-term effects reducing this to moderate/minor after mitigation planting matures. This harm extends to nearby visual receptors, including walkers along Broadclyst Footpath 28, nearby public rights of way. Whilst this harm is localised, there is some sequential cumulative visual harm in combination with existing solar farms, other permitted BESS schemes and Exeter substation. These landscape impacts weigh against the proposal.

Further harm is attributed to the loss of 1.9ha of Subgrade 3a BMV land, which engages Local Plan Policy EN13 and paragraph 174 of the NPPF. Although most of the development area comprises lower-grade 3b land, the BESS compound and access track occupy areas of higher-quality soil contributing to agricultural productivity. However, Policy EN13 allows the loss of BMV where the need for the development is overriding, and alternatives are not reasonably available. In this case, the applicant has located the BESS adjacent to the National Grid Exeter Substation and national policy direction strongly supports renewable and low-carbon energy infrastructure. The loss of BMV land therefore weighs against the scheme albeit the level of harm is limited.

National policy in NPPF paragraph 168 requires that "significant weight" be given to the benefits of renewable and low-carbon energy, and recent appeal decisions for similar BESS developments (including 22/2216/MFUL) confirm that battery storage is essential to managing intermittency in renewables, stabilising the grid, and supporting the transition to a net-zero electricity system. These benefits are not abstract: National

Policy Statements for Energy anticipate a largely decarbonised grid by 2035, making strategic storage capacity increasingly critical. The proposal has a 40-year operational life, enabling long-term carbon savings by reducing reliance on fossil-fuel generation at peak times. This is considered to weigh significantly in favour of the proposals.

The scheme would also deliver ecological benefits net gain, with onsite creation of 4.95ha of wildflower grassland, 0.78ha of scrub, 281m of species-rich hedgerow, and new wetland habitat, resulting in 49.21% habitat net gain, 10.23% hedgerow net gain, and 67.01% watercourse net gain. The Council's Ecologist confirms that, subject to conditions and licensing, protected species impacts can be mitigated and that there will be no significant residual ecological harm. The scheme therefore represents a measurable environmental uplift in terms of habitat creation and enhancement.

Other matters, including surface water attenuation, fire safety, arboricultural impacts, highway impacts and archaeology are all attributed neutral weight in the planning balance.

Taking all factors into account, the proposal will result in localised but notable landscape harm and a modest loss of BMV land, both of which weigh negatively in the planning balance. However, these harms must be weighed against the substantial and nationally important benefits arising from the provision of a strategically located grid-scale battery storage facility, as well as the delivery of significant biodiversity net gain and compliance with national policy objectives for a low-carbon, resilient energy network. Having regard to NPPF paragraph 168, which requires significant weight to be given to such benefits, officers consider that on balance the benefits outweigh the identified harms, and the scheme therefore complies with the Development Plan when read as a whole, subject to the recommended conditions.

RECOMMENDATION

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report 24-360 REV 02 dated 14/05/25 & Technical Note 001) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

(h) A Controlled Waters Environmental Risk Assessment to ensure that fire-water will be contained on site without infiltrating into the ground or entering in any local water catchments.

The development shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (h) above. The drainage scheme shall be retained, managed and maintained as such for the lifetime of the development.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

4. Notwithstanding the submitted Construction Traffic Management Plan, no development shall commence until a fully detailed and updated Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include, but not be limited to, the following:

1. A detailed programme of construction phases and associated vehicle movements;

2. Identification of all construction traffic routes to and from the site, including access points and haul routes;
3. Measures to manage and coordinate construction traffic in relation to other developments using the same or overlapping construction routes, including the BESS developments at Saundercroft Farm (ref: 24/2664/MFUL) and Land East of Exeter Substation (ref: 25/2189/VAR). It shall be demonstrated that a collaborative approach has been taken to avoid cumulative impacts;
4. Details of LGV and HGV movement restrictions, including timing restrictions to avoid peak school and commuter hours;
5. Provisions for banksmen, signage, and traffic control measures to ensure highway safety;
6. Details of temporary holding areas for construction vehicles;
7. A schedule for road condition surveys and a mechanism for repair of any damage to the public highway attributable to the development;
8. Measures to prevent mud and debris being deposited on the public highway;
10. Contact details for the site manager and a community liaison strategy.
11. Contact details of the Traffic Management Group responsible for monitoring CTMP measures shall be provided to the Local Planning Authority and made available to the Parish Council.

The development shall thereafter be carried out in accordance with the approved CTMP.

(Reason: To ensure that the construction phase of the development does not result in unacceptable harm to highway safety, residential amenity, or the local road network, and to ensure coordination with other developments in the area, in accordance with Policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access), and Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013-2031. This needs to be pre-commencement to ensure the impacts of the development are mitigated from the outset)

5. 1) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) or TPPs of suitable scale and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Planning Authority.
- 2) The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS.

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

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

Notwithstanding this requirement the following restrictions shall be adhered to:

3) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

5) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority

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

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031). The condition is required prior to commencement to ensure the development is informed by the arboricultural constraints.

6. Prior to the installation of any Battery unit a site-specific Battery Safety Management Plan (BSMP) shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the agreed BSMP. Should any changes to the approved BESS units be necessary during the lifetime of the development, no such changes

shall be made without a revised BSMP having first been resubmitted to, and written approval received from, the Local Planning Authority.

(Reason - The current BSMP is in outline form and further details will be required for approval once the technology selected for use on the site is known, in the interests of the minimising risks of a hazardous event which could lead to pollution of the local environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

7. Prior to the installation of any battery storage unit of the development hereby approved, an Emergency Response Plan (ERP) shall be submitted to, and approved in writing by, the Local Planning Authority. The ERP shall be prepared in consultation with the Devon Fire and Rescue Service and shall follow the National Fire Chiefs Council (NFCC) and NFPA 855 guidelines and include as a minimum:
- How the fire service will be alerted and incident communications & monitoring capabilities.
 - Facility description, including infrastructure details, operations, number of personnel, and operating hours.
 - Site plan depicting key infrastructure.
 - Site access points, internal roads, agreed access routes, observation points, turning areas, etc.
 - Firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc).
 - Water supply locations & capacity.
 - Drainage and water capture design & locations.
 - Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eyewash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
 - Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
 - A list of dangerous goods stored on site.
 - Site evacuation procedures.
 - Site operation Emergency Management protocols - 4 phases: discovery, initial response / notification, incident actions, resolution & post incident actions / responses.
 - Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, wildfires, impacts on local respondents, impacts on transport infrastructure.
 - The operator will develop a post-incident recovery plan that addresses the potential for reignition of the BESS and de-energizing the system, as well as removal and disposal of damaged equipment.

(Reason - A pre-commencement condition is required in order that the risks can be minimised in advance of any works on site, and to minimise risks of accidents which could be harmful to the public and the environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects)

and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

8. Prior to commencement of any development a Construction and Environment Management Plan must be submitted to and approved in writing by the Local Planning Authority and must be implemented and remain in place throughout the development. The CEMP shall address at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours which shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

9. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:
 - Identify measures taken to avoid all waste occurring.
 - Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
 - The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
 - Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
 - The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

(Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.)

10. Within 40 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of operation, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of operation. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than twelve months following the commencement of the first operation of the development. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 to 2031.)

11. Prior to the approved development being brought into use details of a foul drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the proposed method of foul sewage disposal, capacity assessments, and any necessary upgrades to existing infrastructure. The approved scheme shall be implemented in full prior to the occupation of any part of the development.

(Reason: To ensure that there is adequate capacity in the infrastructure required to manage foul drainage from the site, in accordance with Policy EN19 of the East Devon Local Plan 2013-2031.)

12. No development work shall commence on site until the following information has been submitted and approved:

(a) A full set of hard landscape details including retaining structures and signage.

(b) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content.
- schedules of volumes for each material.
- subsoil to be retained for landscape areas.

(c) A full set of soft landscape details including a Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

Development shall take place in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 -

Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

13. The development shall be carried out in strict accordance with the Ecological Impact Assessment (Clarkson and Woods Ecological Consultants, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a) 7 no. bat boxes installed on mature trees
- b) 7 no. bird boxes installed on mature trees
- c) 10 no. dormouse net boxes within retained hedgerows
- d) Reptile/amphibian hibernacula

have been implemented and confirming compliance with any protected species licences and/or ecological method statements secured via planning conditions.

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

14. Under no circumstances should any external lighting be installed without prior consent from the local planning authority to ensure nocturnal wildlife is not adversely affected by the development. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase.

Any operational lighting should be fully in accordance with BCT/ILP Guidance Note 08/2023 to include the following:

- a) LED luminaires only
- b) Motion activated security lighting with a limited over-run time
- c) Colour Corrected Temperature not exceeding 2700K

d) Be directed downwards with a 0-degree tilt angle and 0% upward light ratio

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

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) Measures to control of the spread of Himalayan balsam.
- e) Records of an updated badger survey (within 6 months of commencement) and badger licence report of action.
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- j) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

(Reason: To ensure that the development has no adverse effect on protected and notable species during the construction phase in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031)

16. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted Biodiversity Net Gain Assessment dated May 2025 and prepared by Clarkson and Woods Ecological Consultants, the approved Biodiversity Gain Plan, and the approved landscape plans and associated details and shall include the following:

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

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

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

17. Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:
- a) Details of the body or organisation responsible for implementation of the plan.
 - b) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - c) Landscape and ecological management aims and objectives for the site.
 - d) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - e) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
 - f) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - g) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h) Drainage swales and water bodies.
 - j) Arrangements for inspection and monitoring of the site and maintenance practices.
 - k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
 - l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - m) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the

exception of planting which shall be completed no later than the first planting season following first use.

n) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

18. The development hereby approved shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of BESS units with the exception of planting which shall be completed no later than the first planting season following the BESS being brought into first use.

(Reason: To ensure the visual and landscape effects of the development are adequately mitigated in accordance with Strategies 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONBs) of the adopted East Devon Local Plan 2013-2031).

19. The water tanks as shown on Proposed Site Layout Plan (IGP-BES-PSLP-01) and Elevations (IGP-BES-WT-01) shall be filled to maximum capacity before the BESS hereby approved is brought into first use and shall be maintained and retained as such for the lifetime of the development.

(Reason - in the interests of the minimising risks of a hazardous event which could lead to pollution of the local environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

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

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

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

21. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

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

22. Prior to the installation of any battery units, perimeter fencing or acoustic fencing, full details of their external colour, finish and materials shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be constructed in full prior to first operational use of the battery units and substation and shall be retained in accordance with the approved details for the lifetime of the development. The development shall thereafter be carried out strictly in accordance with the approved details and the agreed colour treatments shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure the external appearance of the battery units and all associated fencing is visually recessive and minimises landscape and visual harm, preserving the character and appearance of the rural surroundings in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Biodiversity Net Gain Informative:

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

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

The BG conditions states that **development may not begin unless:**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

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

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

Any subsequent application submitted against Section 73 of the Town and Country Planning Act that extends the lifetime of the development beyond 40 years shall be required to submit a revised Flood Risk Assessment and consider the capacity of the Sustainable Urban Drainage Scheme in accordance with National and Local planning policy at the time of submission.

Informative:

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

Plans relating to this application:

IGP-BES-ACC-01 ACCESS TRACK	Other Plans	29.05.25
IGP-BES-CCTV-01 CCTV POLE	Other Plans	29.05.25
IGP-BES-FG-01 FENCE/G ATE	Other Plans	29.05.25
IGP-BES-IAB-01 INDICATI VE ACOUSTIC BARRIER	Other Plans	29.05.25
IGP-BES-IBI-01 BATTERY INVERTER	Other Plans	29.05.25

IGP-BES-IBU-01 BATTERY UNIT	Other Plans	29.05.25
IGP-BES-ITS-01 TRENCH SECTION FOR 400KV CABLE	Other Plans	29.05.25
IGP-BES-PSLP- 01	Proposed Site Plan	29.05.25
IGP-BES-SLP-01	Location Plan	29.05.25
IGP-BES-SLSD- CC-DD-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-SLSD- EE-FF-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-SSLD- AA-BB-01 SITE LAYOUT/EL EVATIONS/ SECTIONS	Proposed Combined Plans	29.05.25
IGP-BES-STB-01 SUBSTAT ION/TRANS FORMER BUILDINGS LAYOUT	Layout	29.05.25
IGP-BES-WT-01 WATER TANK	Other Plans	29.05.25
LV8 A : mitigation	Additional Information	01.09.25

planting
proposals

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

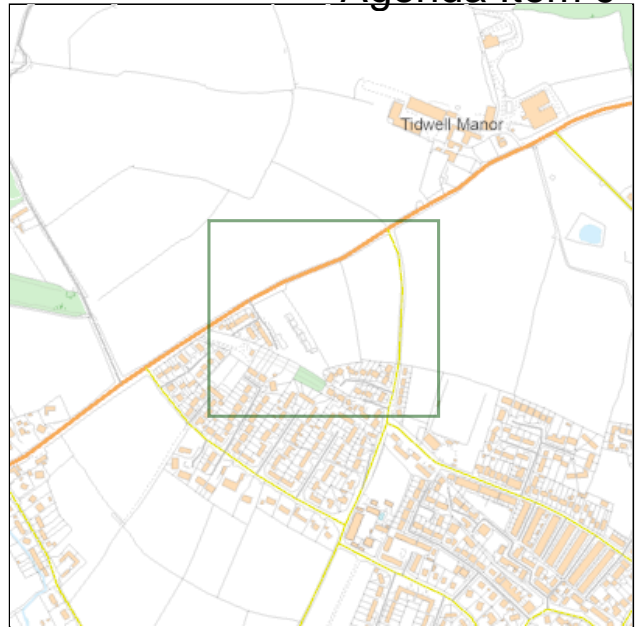
Ward Budleigh And Raleigh

Reference 25/0086/MFUL

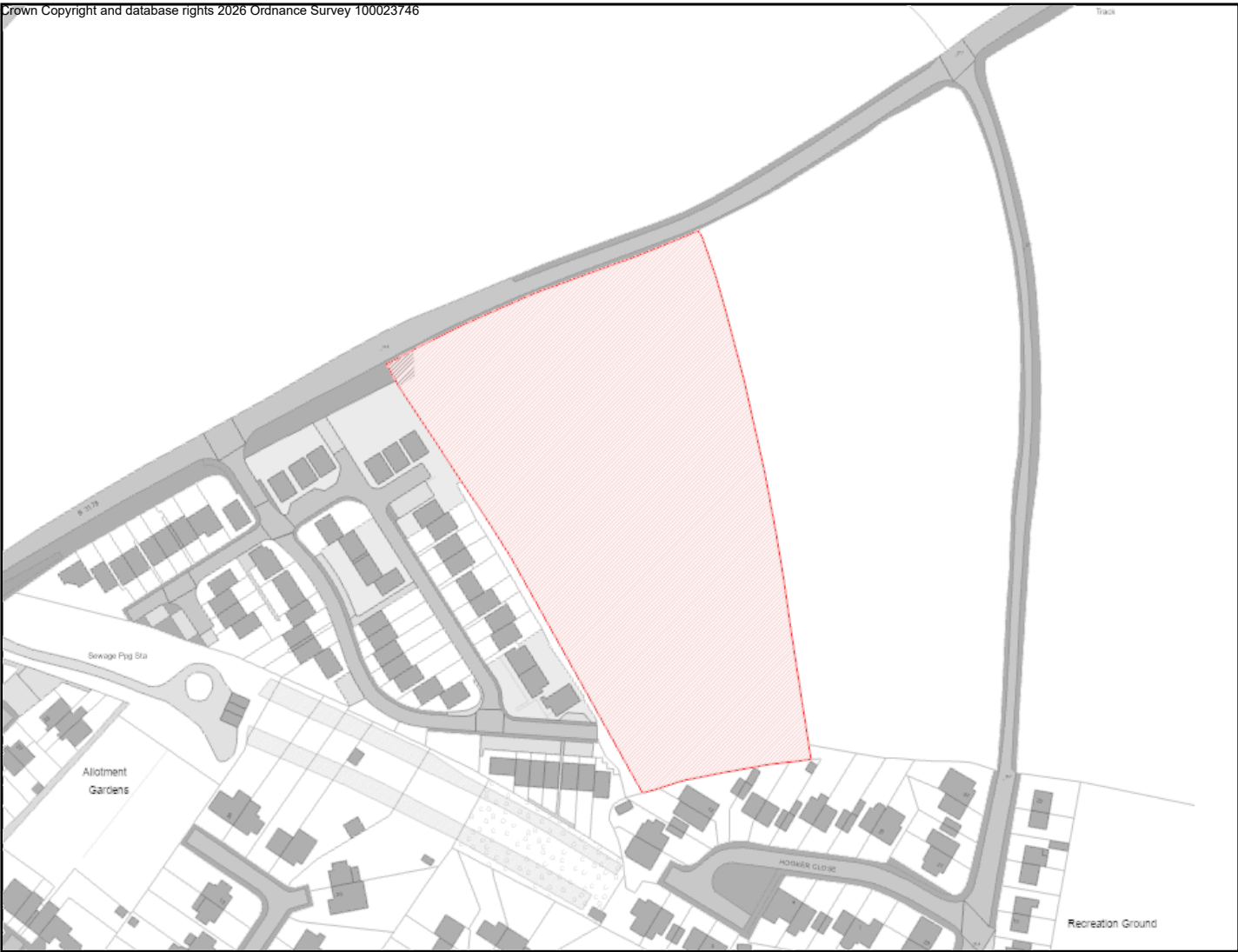
Applicant Wain Homes (SW) Ltd

Location Land To The West Of Barn Lane Budleigh Salterton

Proposal Construction of 35 dwellings (including open market and affordable), access and associated landscaping, open space and SUDS drainage



RECOMMENDATION: Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment



		Committee Date: 12.05.2026
Budleigh And Raleigh (Budleigh Salterton)	25/0086/MFUL	Target Date: 29.04.2025
Applicant:	Wain Homes (SW) Ltd	
Location:	Land To The West Of Barn Lane	
Proposal:	Construction of 35 dwellings (including open market and affordable), access and associated landscaping, open space and SUDS drainage	

RECOMMENDATION: Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

This application is brought before the Planning Committee as the proposal represents a departure from the adopted East Devon Local Plan. The officer recommendation is also contrary to the position of the town council regarding the proposal.

The site comprises a field extending to approximately 1.58 hectares in area to the south of the B3178 on the northern edge of Budleigh Salterton, the whole of which - along with the application site - is within the designated East Devon National Landscape (NL).

The application seeks full planning permission for the construction of 35 dwellings, including affordable housing, together with the provision of public open space, ecological buffer zones, drainage infrastructure and ancillary operations.

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Budleigh Salterton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the Council's current inability to demonstrate a five-year housing land

supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), notwithstanding the relevance of policies that seek to protect areas such as NLs that can mean that it need not be applied, there is a presumption in favour of sustainable development in such circumstances.

Paragraph 190 of the NPPF is also material to consideration of both the application proposal and the allocation of the site for housing development in this instance. Whilst presuming against 'major' development within NLs (and other designated landscape areas) it does allow for such development in 'exceptional circumstances' and where it can be demonstrated that it is in the public interest.

Although the Council's assessment categorises the proposal as 'major' development in this case, in applying the 'exceptional circumstances' test it has been found that the lack of availability of suitable alternative sites for housing development with less impact upon the NL and the plan's strategy of directing growth to the town (at a markedly lower rate of expansion in comparison with other 'Tier 3' service centres) justify the allocation in the emerging Local Plan.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site financial contributions. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no other significant contextual objections to the proposed development or technical issues that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

On balance and having regard to the significant housing land supply shortfall, the benefits of delivering housing, including affordable homes, are considered to outweigh the identified harms.

It is therefore recommended that the application be approved subject to conditions and completion of a Section 106 agreement to secure the necessary mitigation and infrastructure.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original consultation comments – 12/2/25)

This council does not support the application as it was felt that there was insufficient clarity on a range of areas, at the present time.

Members recognise the urgent need for affordable housing in the local area and do welcome some aspects of the plan including the attention given to drainage considerations and the proposed development of an Orchard Area. However, these are far outweighed by the concerns generated by this proposed development and its lack of connection to the Budleigh Salterton Neighbourhood Plan, The East Devon Local Plan, The East Devon Emerging Local Plan and the National Planning Policy Framework. These concerns are outlined as follows:

Access to Town/Pedestrian Safety:

This site has been allocated for development under Strategic Policy SD08 of the East Devon Emerging Local Plan which states that 'Site development will need to come forward with provision of safe footpath access to the Budleigh primary school'. Members did not see evidence of this in the application and were concerned that this development does not include a viable, safe route for residents to walk into the town.

The developer provides details of the town and its services in section 2.0 of their Design Statement, outlining the distances from the development to various amenities. However, there has been no provision made for safe pedestrian access to the town.

Furthermore, the development inaccurately claims in point 3.12 of the Design Statement that "the adjacent Evans Field development has delivered a new footway connection from their entrance to the previous footway end to the west of their site." This statement is repeated in point 4.3. In reality, it is widely known in the locality, by EDDC and Devon County Council that there is no footpath from Evans Fields to the town, and the claim made in the Design Statement is misleading.

Section 5.0 of the Design Statement refers to an "opportunity" to provide pedestrian access to the west of the development. While members welcome the idea of improving pedestrian access, they would like to see tangible plans and a clear commitment to implement safe and accessible routes. A firm proposal with a set timeline and design details is necessary to ensure that pedestrian safety is prioritised. The development of a safer route to access local transport would also support the NPPF - Point 9, Paragraphs 109 a & e and 111 d, regarding the promotion of sustainable transport withing planning development proposals:

109(a) making transport considerations an important part of early engagement with local communities.

109(e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and

111(d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

Level of Affordable Housing:

In accordance with Policy H1 of the Budleigh Salterton Neighbourhood Plan, Strategy 21 of the Local Plan, and Strategic Policy HN01 of the Emerging Local Plan, it is essential that this development adheres to the commitment to provide affordable homes. Members seek firm assurances that the number of affordable homes set to be built under the plan, 12, will be maintained and will not be subject to revision or reduction.

Further, Strategy 34 of the ED Local Plan determines that 50% of new development in Budleigh Salterton will be affordable. This plan does not meet this criterion. BSTC note the comments of the Housing Strategy / Enabling officer that the Developer must make up this shortfall with a 15.8% financial contribution towards affordable housing, locally.

National Landscape:

Members request assurance that this development will fully comply with Strategy 21 of the Local Plan and Strategic Policy OL02 of the Emerging Local Plan. This policy specifically highlights that Budleigh Salterton, being entirely located within the National Landscape, is to be afforded the highest level of protection. Furthermore, the policy extends to any development outside the National Landscape but affecting its setting or appearance, permitting such development only where it avoids harm and contributes to the protection, conservation, and enhancement of the special qualities, character, and natural beauty of the National Landscape.

Members seek confirmation that the proposed development will adhere to these policies and ensure no adverse impacts on the integrity of the National Landscape or its distinctive features. This is underpinned by the response EDDC has already received from Natural England, their guidance being that this site has the potential 'to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs), and that further information is needed'.

Protected Landscapes:

Members request that EDDC ensures they actively seek to further the statutory purposes of Protected Landscapes, as outlined within Strategic Policy OL02 of the Emerging Local Plan. This policy explicitly requires that these purposes are recognised and fully considered in the decision-making process, as well as in any activities that may impact these areas. Members would like to ensure that the development respects and aligns with the objectives of protecting and enhancing the special qualities of Protected Landscapes, consistent with the policy's aims.

Legacy of Evans Field:

There are significant ongoing concerns regarding the neighbouring development, known locally as Evans Field. This development remains unfinished and continues to cause considerable hardship for residents. While members acknowledged that this issue is not the responsibility of the developer, the proposed development has

highlighted broader issues, particularly the unfinished state of the neighbouring site and the extremely poor and unsafe access to this location.

Members seek to understand what steps EDDC can take to ensure the completion of the Evans Field development and as a minimum, to secure safe access for residents, particularly in relation to access to schools and local amenities. Ensuring that these concerns are addressed should be a priority for the overall development strategy in the area.

CIL Concerns: Allocation of Funds for Local Infrastructure

Members have expressed concern regarding the potential for Community Infrastructure Levy (CIL) funds to be directed outside the locality, which could undermine efforts to address local infrastructure needs and support the community. This concern is particularly relevant considering the letter from the Royal Devon and Exeter NHS Foundation Trust (RD&E), as a consultee, which highlights this issue. Members would appreciate clarification on how these funds will be managed and whether they will remain within the locality to directly benefit the area. It is important to note that this development is primarily intended to address the housing shortage within Budleigh Salterton and East Devon. Given this, any CIL funds generated from the development should be expected to be spent locally, supporting the town's resources, amenities, and infrastructure.

Members have additional concerns regarding the speed limit on the B3178 at this point, which is currently set at the National Speed Limit. Given the proximity of the development, BSTC would like to see the speed limit reduced to a maximum of 30 mph to improve safety for pedestrians and residents in the area.

Furthermore, it was noted that the access to the proposed development appears significantly narrower in comparison to the access for the neighbouring development. Members requested that the access be reviewed and improved to ensure adequate space for both vehicles and pedestrians, as well as to ensure that it meets safety and accessibility standards.

Parish/Town Council (Further consultation comments re. revised plans – 30/9/25)

This council does not support the application, in its current form.

While mindful of East Devon District Council's housing requirements, members considered the application to be over-intensive, environmentally harmful, and deficient in affordable housing, infrastructure, and safe access arrangements.

Affordable Housing

Strategic Policy HN01 of the emerging Local Plan seeks to maximise the delivery of affordable housing across East Devon to meet the identified needs of people who are unable to access the general housing market. This development does not currently meet these needs. Councillors expressed disappointment that the proportion of affordable housing has been reduced to 35% in line with Strategic Policy HN02. While it was noted that there is a tiered approach across East Devon, given the high cost of housing in Budleigh Salterton, it is reasonable to expect this development to provide an increased proportion of affordable homes to ensure local housing needs are met.

Highways, Access & Safety

Concerns were raised regarding the anticipated increase in traffic and its impact on Barn Lane, Bedlands Lane, and Knowle Corner, all of which are narrow, constrained, and have limited capacity for additional vehicles.

The existing 30'mph speed limit must be extended from before the entrance to the Evens Field site to beyond Barn Lane to improve safety for all road users. Concerns were also raised about access for plant and machinery during the construction phase, and EDDC is requested to ensure that Devon County Council conducted a road condition survey to ensure that roads in the vicinity are protected and restored to standard, by the developer, once construction is complete.

Pedestrian infrastructure remains insufficiently detailed; councillors highlighted the need for clear, safe pedestrian routes, including the proposed connection from Evans Field.

The proposed Sustrans cycle route was assessed as unsafe and unsuitable in its current design, requiring substantial review to meet safety and accessibility standards.

Drainage & Flooding

Members questioned whether the proposed attenuation basin will be sufficient to contain run-off and prevent surface water flooding and would like assurance that the basin will have the appropriate capacity. Concerns were also expressed about the wider drainage layout and its long-term maintenance.

Environmental & Biodiversity Impact

The Arboriculture Impact Assessment was considered flawed, with key trees, for example T4 oak, underrepresented in terms of size and value. BSTC noted the report that the diameter of T4 may have been underrepresented by 50% and requests that East Devon review this, advise BSTC if it has been investigated further, and clarify the implications for the positioning of houses adjacent to this location and the development as a whole.

Disappointment was expressed regarding the 10% Biodiversity Net Gain (BNG) which was considered insufficient. Members requested greater protection for wildlife and flora, as well as the provision of green corridors and ecological wedges.

Landscape & Key Vistas

The proposed development would interrupt important views including those towards Hayes Wood and Mutters Moor, as referenced in Policy B2 (Protection of Key Views and Vistas) of the Budleigh Salterton Neighbourhood Plan, which states that 'development should conserve identified significant views.'

Budleigh Salterton was included within the East Devon Area of Outstanding Natural Beauty (AONB*) in 1963 due to the exceptional quality of its coastline and townscape. This is further supported by NPPF Paragraph 115: 'Great weight should be given to conserving landscape and scenic beauty in AONBs, which enjoy the highest level of protection.' The proposed development is therefore contrary to Policy

B2 and national guidance, as it would compromise the visual integrity of the AONB and local landscape character.

*Now referred to as the Natural Landscape (NL).

Community Infrastructure & Services

Councillors noted the absence of detail regarding the impact of additional housing on school capacity. However, it was acknowledged that there is some capacity available in neighbouring primary schools in East Budleigh and Otterton.

There was no clear information on the maintenance and funding of the proposed footpath network within the development prior to adoption by Devon County Council. Concerns were raised regarding any future management company arrangements that residents could be subject to.

Accordingly, Budleigh Salterton Town Council does not support this application in its present form.

Budleigh And Raleigh - Cllr Charlotte Fitzgerald

I object to this application on the basis that safe access to the site, which is accessed from the main road (B3179), has not been achieved and will not be achieved within the scope of the proposed plan. Currently no proper footpath to the site exists via the adjacent development (Evan's Field), due to the footpath connecting that development to the town not having been completed, and the reduction of the speed limit and of street lighting not having been installed. I would like to see a Grampian conditioned imposed such that this development cannot be completed until this pedestrian access situation is resolved.

Technical Consultations

N.B.: The following comprise the most recent consultation comments made by consultees, further to three rounds of consultation owing to scheme revisions.

Housing Strategy/Enabling Officer - Liam Reading

Policy Requirements:

Strategy 34 of the East Devon Local Plan 2013 - 2031 states 50% affordable housing is required on planning applications for new homes in Budleigh Salterton. This application is offering 34.2% on site affordable housing, which is not policy compliant. They need to make up the remaining 15.8% as a financial contribution towards affordable housing. This is in line with similar applications. The amount is £144,790.

There are currently 132 households registered on Devon Home Choice living in Budleigh Salterton.

Tenure Mix: The applicant is offering 35% Shared Ownership tenure and 65% Social Rented tenure. This is acceptable.

Unit Size Mix: The proposed Shared Ownership mix is: 1 x 2 bed house, 2 x 3 bed houses and 1 x 4 bed houses. The Social Rent mix is: 6 x 1 bed apartments, 1 x 2 bed house and 1 x 3 bed house. This meets an identified housing need.

Design of Scheme: Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. I note all dwellings will meet national space standards. When considering scheme design options, the following should be taken into account:

Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.

Parking: Electric Vehicle Charging Points or infrastructure should be provided for each affordable home to meet current building regulation and local requirements. The scheme layout should be designed to have as much in-curtilage parking as possible in order to facilitate the provision of on-plot Electric Vehicle Charging Points for the Affordable dwellings wherever possible. Parking courts are not considered suitable for affordable homes (other than for blocks of flats).

All affordable units should also meet M4(2) standards, which this application does.

I note the parking for plots 20 - 22 is designed as tandem parking. This is not ideal as in reality only one car is parked here, and the second car is often parked on the highway causing obstructions.

Environmental Health

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development.

Contaminated Land Officer

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

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I appreciate the inclusion of a Crime and Disorder Statement within the Design and Access Statement and that designing out crime principles have been considered in the design of the scheme.

My main concern from a designing out crime perspective is the accessible space to the rear boundaries of plots i.e. the ecology corridors around the edges of the development. I appreciate the efforts made to reduce the risk posed to plots with the inclusion of hedging along fences to prevent easy access to rear gardens. However, the spaces are somewhat devoid of surveillance opportunities and if left easily accessible, there is the risk that they will be misused, attract behaviours such as fly-tipping, anti-social behaviour, unwanted gatherings etc. which will be of detriment to the whole area.

How is it foreseen that this risk will be mitigated? Can access be restricted or at the very least deterred as presumably use of such space is not to be encouraged given its secluded nature.

DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that recommended pre-commencement planning conditions are imposed on any approved permission.

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

Observations:

The applicants have revised Land at Barn Lane, Knowle, Budleigh Salterton Flood Risk Assessment (Report Ref. 2043-C-FRA-0001, Rev. P7, dated 21st January 2026).

The total site area is 16,044m². The overall impermeable area for the site is stated to be 6,156m² (6,338m² with 10% urban creep) 6285m², as shown in the Impermeable Area Plan (Drawing No. 0120, Rev. P8, dated 21st January 2026).

The applicant has provided several reasons for why infiltration is unfeasible at this site, including the site being within a source protection zone (SPZ).

It is proposed to manage surface water at the site via an attenuation basin and tank, prior to discharging to the surface water sewer at the Qbar rate of 1.6l/s via a Hydrobrake. A swale is also proposed on the site. The tank / attenuation crate is situated beneath the basin as shown in Drainage Layout (Drawing No. 0500, Rev, P14, dated 21st January 2026).

Despite the constraints highlighted by the applicant, partial infiltration systems (e.g. permeable paving with underdrainage, rain gardens or shallow infiltration trenches) may still offer benefits and should be considered where feasible. The applicant has noted rainwater butts, filter drains and permeable surfaces can be considered at the detailed design stage if required. We would like to see these additional features to be incorporated into the detailed design.

It is unclear the methodology used to calculate the greenfield runoff rate.

The surface water systems are stated to remain private and will be maintained in accordance with CIRIA guidance from C753. However, the basins inflow is to be public, and the headwall and outfall are proposed to be adopted. The applicant shall finalise the adoption and maintenance responsibilities during the detailed design.

EDDC Landscape Architect

I have reviewed the amended details in respect of the above application and make the following comments:

Layout

Amendments to the site layout in response to my previous comments are acceptable.

Enclosures

The enclosure treatments indicated on the Enclosures Plan PL104 rev. P are generally acceptable, subject to the following minor changes:

Omit proposed estate railings to west side plot 1 and replace with rustic bollards. The verge between plot 1 and the adjacent access road should be retained in communal ownership and not transferred to private ownership of plot 1.

Add estate railings to the frontages of plots 6, 7 and 8.

Construction details for all boundary treatments indicated on the Enclosures Plan PL104 rev. P should be provided. These could be secured by condition if not provided prior to determination.

Planting plans

Sheet 2 of 4 - Add native hedge mix to the outside face of close-board fencing to the rear gardens of plots 29 and 31.

Drainage details

Details of proposed inlet and outlet headwalls to the attenuation basin are required. Given the location at the front of the site within the National Landscape a high standard of design is required for these. Headwalls should be of minimum size required to accommodate inlet/ outlet pipe diameter and should be stone faced without surrounding railings. Their appearance should have a positive or neutral impact on site amenity. Details could be secured by condition if not available prior to determination.

Site ownership plan

A site ownership plan should be provided indicating areas to be adopted, maintained by management company and passed to private ownership. This could be secured by condition if not provided prior to determination.

Connectivity

I remain concerned that pedestrian and cycle links are not being provided from the southwest and southeast corners of the site, but particularly to the southwest connecting to Barn Lane. I consider this to be an essential requirement to enable a convenient active travel link to the school.

Provision should be made for land at the end of the eastern spur road to be included in the highway adoption area to ensure that potential future development of land to

the east can be provided from the application site rather than necessitating creation of a further new access from the existing highway.

Should the application be approved, conditions are recommended.

EDDC Trees

The amended plans have taken on board arb concerns raised in relation to plots 23 & 24 to T3 and moved these further to the east. Likewise, plot 30 has been moved further north away from T4. I therefore confirm that I have no objection to the proposal but recommend conditions be put in place to ensure the retained trees are afforded protection during construction.

County Highway Authority

Observations:

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

The Design and Access Statement (REV A DECEMBER 2024) outlines how the existing access does not lean itself well towards the proposed development but that a more centralised access with better visibility is viable.

A footway is proposed along the frontage of the development of which there is currently none, this will extend the recently completed Evans Field development footway.

The Parking Layout Plan, (1788-PL106 REV E), shows successful parking manoeuvres and that the dwellings from this proposed development are unlikely to cause high levels of on-carriageway parking on the highway network.

The Refuse store and collection plan, (1788-PL107 REV E) shows that the free-flow of traffic and pedestrians will not be affected from the storage and collection of refuse from this proposed development.

The Surfaces Plan, (1788-PL105 REV E) shows clear delineation of the private and adoptable highway areas with only sporadic areas of block paving, note that should the development enter a Section 38 highway adoption (separate to the planning process) we do not allow visitor parking to be adopted.

The Fire vehicle swept path plan (0780 REV P3), shows that emergency vehicles can successfully manoeuvre this proposed development estate.

The proposed dwelling numbers is below our threshold requirement for a Travel Plan, Travel Plan contribution and Travel Plan Co-Ordinator). I am also satisfied that the creation of 35 dwellings will not create an unacceptable vehicle trip generation, however I do recommend that should this be application be approved, secure cycle storage is provided per dwelling to encourage sustainable travel and help mitigate vehicle trip generation, along with a Comprehensive Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the wider highway network.

I have also reviewed our previous collision data, a rolling 5-year period, currently January 2019 to December 2023 and have seen no direct collisions within the vicinity of this access.

Therefore, in summary the County Highway Authority (CHA) has no objection to this planning application subject to recommended conditions to secure a Construction Management Plan and provision of bike stores.

Addendum 14/04/2026

The CHA has reviewed the amended plans and has no further comments to add.

Recommendation:

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

LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Budleigh Salterton Medical Centre - Budleigh Salterton Health Centre, Haldon House Surgery, Imperial Surgery and Rolle Medical Partnership - Exmouth Health Centre being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

- o Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- o Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we

would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

EDDC District Ecologist

1 Introduction

This report forms an updated EDDC Ecology response to the full application for the above site in response to amended ecological documents. It should be read in conjunction with the previous ecology response from 21/11/2025.

2 Review of amended details

I've reviewed the amended Ecological Impact Assessment, Biodiversity Net Gain Statement, Amended Statutory Metric, and the draft Habitat Management and Monitoring Plan (HMMP) all undertaken by GE Consulting, dated January 2026. The amended Lighting Strategy (dwg. 2900-DFL-ELG-XX-RP-EO-13001-S3-P05) was also reviewed.

The updated ecology reports and metric have addressed my previous concerns.

There are a few minor inaccuracies/omissions within the draft HMMP, which can be addressed with the submission of the biodiversity gain plan and final metric, post consent. These include:

O Sections 3.3.1 and 4, reference is made to F5; F5 was not visible on the post development plans nor in the metric

O Section 4 should include hedgerow management of H1 and H2 to be a minimum of 3 m in height

It is recommended that the number and location of integral bat, bird and insect bricks are clearly identified on elevation plans to ensure these features are not overlooked by contractors.

3 Conclusions and recommendations

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures proposed, are considered acceptable.

Should the application be minded for approval, conditions should be applied to secure development in accordance with the ecology report, no external lighting without prior consent, a construction and ecological management plan and a Habitat Management and Monitoring Plan (HMMP) and Landscape and Ecological Management Plan (LEMP).

Natural England

Natural England has previously commented on this proposal and made comments to the authority in our response dated 10 February 2025 reference number 501348, attached.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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

Historic England

Does not wish to comment.

Police Architectural Liaison Officer - Kris Calderhead

I have no objection to the scheme and appreciate that fencing has been added along the ecology corridors in an attempt to control movement to the rear boundaries of plots.

The only recommendation I would like to make is that the two areas of open space are afforded a knee rail to help define the space, deter vehicle access and control movement. (Please see plan in documents tab)

Conservation

Following my previous comments, the application has been amended, and the following is a response to these amendments.

The proposed development is within the setting of the Grade II* listed Tidwell Manor and associated Grade II listed stables, coach house and gate piers.

As observed previously, it is concerning that the rural setting is being gradually eroded. A dense line of hedgerows and mature trees on the eastern boundary will shield the development from view to some extent, and this will go some way towards reducing harm to the setting, although that there will be some intervisibility between the two sites due to the topography, proximity to the listed house and height of the proposed dwellings. Further development on this hillside will not preserve or enhance the setting of the Grade II* listed building, and therefore it is important that the planning balance is weighed up carefully to ensure that the harm to the setting is outweighed by the public benefits of the proposal.

I previously recommended that, if the application is supported, any elevations (particularly those facing north and east) which will be visible in context with Tidwell Manor, are faced in dark colours such as red brick rather than white render as proposed.

Following amendments, the east elevations of the dwellings closest to the east boundary are still predominantly in white render, with small areas picked out in artstone and occasional brickwork. A hedgerow and tree planting are proposed but will not sufficiently obscure these elevations, particularly in the short and medium term, and therefore my previous recommendation still applies.

Recommendation: Weigh up the harm against the public benefits, and if supported, mitigate as far as possible to preserve the setting of the listed building

Contaminated Land Officer

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

Devon County Council Waste Planning

It is noted that a Waste Management section is included in the Construction Method Statement dated February 2025 which summarises the duty of waste contractors. However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, it is considered that a Waste Audit Statement should be submitted that addresses the following points:

Identify measures taken to avoid all waste occurring.

Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.

Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.

The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

Other Representations

34 representations of objection, 1 representation of support and 3 'neutral' representations have been received across three rounds of consultation. These include objections from the Otter Valley Association.

Summary of Grounds of Objection

1. Proposal constitutes development in the open countryside outside of the built-up area boundary and is in conflict with various planning policies in national, local and neighbourhood plans.
2. Site is within the East Devon National Landscape and the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of protection and, when considering

applications for major development, permission should be refused other than in exceptional circumstances, and only if in the public interest.

3. Site is classified as Grade 1 agricultural land; development would be contrary to policy that the best and most versatile land should not be used for development purposes but kept for agricultural use.

4. Development design would not be of the highest standard, as required by the NPPF, and would be generic and unsuited to a sensitive edge of town site.

5. Proportion and type of affordable housing does not comply with local and neighbourhood plan requirements or meet the required need and should include family size dwellings.

6. Granting permission would set a precedent for the earmarking of the adjacent field for future development.

7. Increased traffic generation along the B3178 and Bear Lane; the former is already dangerous with no street lighting and a 60mph speed limit.

8. A further junction close to the bend in the road at Tidwell will present safety issues.

9. Inadequate sewage, education and health infrastructure to cope with further developments.

10. Proposal is premature pending adoption of new local plan; current policies in emerging plan have limited weight.

11. No public transport connections to the town.

12. Development equates to urban sprawl extending the town into the countryside and creeping towards Kersbrook.

13. Scale of development would be better suited to a site south of Bedlands Lane.

14. Detrimental effect upon wildlife.

15. 15% biodiversity net gain should be enforced to reflect the importance of Budleigh Salterton within the National Landscape.

16. Arboricultural Impact Assessment underestimates the diameter of protected Oak tree (T4) and root protection area.

17. Proximity to N2 cycle route and footpath to Exmouth is frequently mentioned as an asset to the site but there is no safe crossing of the busy B3178 for either pedestrians or cyclists.

18. Overlooking from plots 29-31.

19. Limited benefits from 35 houses outweighed by harm to the National Landscape.

20. Detrimental impact upon light and views of open countryside.

21. Permission was refused ten years ago and there are now more reasons for refusing development.

22. Empty houses in the Evans Field development prove there is no need for further development.

23. NPPF presumption in favour of sustainable development does not apply.

24. Concerns regarding safety and opportunities for criminal activity and opportunities such as fly-tipping and anti-social behaviours.

Summary of Grounds of Support

1. EDDC have been tasked with finding sites in towns and villages to accommodate the houses set by Government and houses have to go somewhere.

2. This site was found to have the least impact compared with other sites and, based on all the evidence, is deemed the most feasible and suitable.

Summary of 'neutral' representations

1. Concern over adding to already overloaded sewage system.
2. New build house prices in Budleigh Salterton and the impossibility for local people to buy locally; could at least half of the houses have a local connection requirement?

PLANNING HISTORY

Reference	Description	Decision	Date
15/1118/MOUT	Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)	Non-determination on appeal dismissed	24.11.2015
14/1520/MOUT	Erection of 60 bed care home, 30 dwellings (including 40% as affordable) 7 bungalows, 12 retirement apartments and 2 live work units with associated works. (Outline proposal with all matters reserved)	Withdrawn	20.01.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 21 (Budleigh Salterton) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

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

EN21 (River and Coastal Flooding) Adopted

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

H2 (Range and Mix of New Housing Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SD08 (Development allocations at Budleigh Salterton) Draft

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP02 (Levels of future housing development) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Strategic Policy HN02 (Affordable housing) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

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

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Policy OS02 (Sport, recreation and open space provision in association with development) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Made Budleigh Salterton Neighbourhood Plan (2017-2031) (made 12/10/17)

H1 (Meeting local housing need over the period of the plan)

H2 (Maintaining local character)

H4 (Built-up area boundary)

B1 (Identity of town and seafront)

NE1 (Conservation of the Natural Environment)

NE3 (Conservation of Biodiversity)

NE4 (Maintain Trees and Hedgerows)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site comprises a single agricultural field, approximately 1.58 hectares in area, located on the north western side of Budleigh Salterton within open countryside outside of, but adjacent to, the edge of the Built-up Area Boundary (BuAB) of the town as defined in the adopted Local Plan.

The site has mature hedgerows and banks around its northern, eastern and western boundaries and slopes from south to north down to a highway frontage with the B3178 to the north, access from which is positioned at the north western corner via a field gateway. The southern boundary is contiguous with the rear boundary of existing residential properties in Hooker Close and is defined by close boarded and post and rail fencing.

It exhibits a tapering configuration with the width at its northern end (where it fronts the B3178) almost double that of the southern end where it borders the rear of the Hooker Close dwellings (approximately 120 metres against 60 metres, respectively).

To the immediate west is the Evans Field housing development, comprising 59 units, whilst a further field of similar area and configuration to the east of the site separates it from Barn Lane.

A footway alongside the B3178 approved as part of the Evans Field development, forming a continuation of an existing footway that extends to the south west before turning into Bedlands Lane, extends as far along the frontage of that scheme as far as the north western corner of the application site.

The site and surrounding area are within the designated East Devon National Landscape (NL) (formerly Area of Outstanding Natural Beauty) which also washes over the entirety of the built-up area of the town. In addition, the site forms part of a larger area of Grade 1 agricultural land that extends around the north western part of the edge of the built-up area.

Proposed Development

The application seeks full planning permission for a residential development of the site comprising 35 dwellings together with the provision of open space and a SUDS

(Sustainable Urban Drainage) scheme for the management of surface water drainage.

The proposals include a mix of 1-5 bedroom units, comprising flats, detached, semi-detached and terrace dwellings, all designed to meet nationally described space standards. 12 of the units (34.2%) would be affordable, based on a tenure split of 65% Social Rented and 35% Shared Ownership. The balance of the 50% requirement set out in adopted Local Plan Strategy 34 (District Wide Affordable Housing Provision Targets) would be achieved by way of an 'off-site' financial contribution.

The submitted site layout details show the development arranged around a single, essentially centrally positioned spine road extending off the B3178. This is shown initially as a tree-lined street with a 5.5 metre width road carriageway, flanked by 2 metre width footways to either side, with a section of the footway along the western side segregated from the road by a 2 metre wide verge including street trees.

The road carriageway reduces in width to 4.8 metres nearer to the southern site boundary with a single sided footway to the south of a short spur road extending to the east off of the principal spine road.

This would itself terminate in a 'T' junction in front of 3no detached units. At each end of the turning head land would be retained for the inclusion of potential future pedestrian footpaths to Barn Lane (via the neighbouring field to the east of the site) and the end of the spine road serving the Evans Field development to the west.

Areas of informal open space, incorporating tree planting, totalling 370 square metres in area would be laid out on both the northern and southern corners of this junction.

The frontage with the B3178 would be largely landscaped with the nearest dwellings set back from it, a proposed surface water drainage attenuation basin laid out to the east of the spine road and a communal parking area comprising 9no spaces provided for plots 15-19 (2 flats and 3no dwellings) set out to its west with both elements screened by extensive tree planting.

A shared private driveway extending off the spine road immediately to the rear of the attenuation basin would serve plots 1-5, consisting of a terrace of 3no units flanked at each end by detached dwellings. A further shared private driveway would extend north off of the turning head at the end of the proposed spur road and serve plots 13 and 14.

The layout details also include an 'ecology buffer' of, typically, 5 metres width inside the western, southern and eastern site boundaries so as to safeguard the hedging that defines these. This strip of land would be outside of any individual plot areas and would be the responsibility of a management company, along with the central informal open space areas, roadside verges and land safeguarded for the footpath linkages referenced above.

The existing footway alongside the B3178 would be continued along the front of the site as far as the entrance to the proposed spine road so as to provide continuous pedestrian connectivity with Bedlands Lane.

The materiality of the scheme would predominantly consist of white painted render and face brick external wall finishes with slate roofs throughout. This aims to draw mainly upon much of the more traditional 19th century building elsewhere within the town.

Individual dwelling forms and designs would also essentially be simple so as to reflect the traditional character and identity of the town and, to this extent, would incorporate architectural details such as roof chickets, lean-to and gabled fronted porch canopies and bay windows.

In terms of boundary treatments, and so as to retain a rural character to the development, it is proposed that the plot frontages to the main spine road be defined by ornamental hedge planting or left open with low level planting. Elsewhere, close boarded fencing would largely separate individual plots from one another as well as from the proposed 'ecology buffer'. These would be supplemented by a mix of native species hedging, post and wire mesh fencing and low timber bollards. A knee rail would separate the private driveway serving plots 1-5 from the attenuation basin while brick and stone boundary walls, 'hit and miss' fencing, estate railings and timber and metal post and rail fencing would also feature throughout the scheme.

Considerations/Assessment

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

Principle of Development/Five Year Housing Land Supply

Strategies 1 (Spatial Strategy for Development in East Devon) and 2 (Scale and Distribution of Residential Development) of the adopted East Devon Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns. The latter include Budleigh Salterton, which has a BuAB defined in the Plan, as referenced above.

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

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

Among these, the provisions of Local Plan Strategy 27 (Development at the Small Towns and Larger Villages) allow for schemes that are promoted either via a neighbourhood plan and/or as 'community led' development (e.g. via community land trusts) justifying how and why, in a local context, the development would promote sustainable development objectives.

Whilst Strategy 27 sets out a number of named settlements, these specific provisions apply to all settlements.

However, the proposal in this case is not 'community led' nor facilitated by any policy contained within the made Budleigh Salterton Neighbourhood Plan (NP).

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

On account of the above, residential development in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed weight given that protection of the countryside (and more especially the National Landscapes), preventing sporadic development and ensuring suitable growth, are amongst the main objectives of the Local Plan.

The need to maintain a healthy housing supply and trajectory going forward

However, the need for housing over the next five years is a crucial consideration in planning decisions. The National Planning Policy Framework (2024) (NPPF) requires that local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Appeal decisions over the course of the last couple of years have shown that even if a site is not allocated in the current plan or is outside development boundaries, housing proposals can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict, they would not unbalance communities and are within reasonable reach of an appropriate level of services and facilities.

East Devon can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF, thereby falling significantly short of the current five-year requirement.

The council must address the housing supply deficit to align with NPPF requirements and support the adoption of the emerging Local Plan by 2026.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both

expresses and reflects the needs of the District, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance that maintaining a healthy supply of housing means to the Council and its ability to retain control over key planning decisions.

The 2024 NPPF as a material consideration

The NPPF is a material consideration in the determination of planning and related applications. Paragraph 11d) states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - the application of policies in (the) Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear, where the policies of the Local Plan are out of date, which is the case here in the absence of a five-year housing land supply, then the so called 'tilted balance' is applied, i.e. a presumption in favour of a grant of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

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

However, the Budeigh Salterton NP, having been 'made'/adopted in October 2017, has formed part of the development plan for around 8/9 years. Furthermore, the document does not contain policies and allocations that meet the identified housing requirement. It is not therefore considered that it can be argued, on the basis of

NPPF paragraph 14, that any adverse impacts of permitting the development in this case (in conflict with the NP) would significantly and demonstrably outweigh the benefits.

Impact upon National Landscape and Presumption in Favour of Sustainable Development

As set out above, the 'tilted balance' applied by NPPF paragraph 11d) is qualified by policies in the Framework that protect areas or assets of particular importance where these provide a strong reason for refusing development.

Among these policies are those that relate to National Landscapes.

Within such areas (as well as areas subject to other landscape designations), paragraph 189 of the NPPF requires that great weight should be given to conserving and enhancing their landscape and scenic beauty and confers upon them the highest status of protection in relation to these issues.

Furthermore all relevant authorities, including local planning authorities, have a statutory duty under section 245 of the Levelling-up and Regeneration Act to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions.

Paragraph 190 of the NPPF states that, when considering applications for development within these areas, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

For these purposes, whether a proposal is 'major development' is a matter for decision makers, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated.

In this case, the application site is shown as a Housing Allocation in the 'Regulation 19' version of the Draft Emerging East Devon Local Plan 2020-2042, the second draft of which was the subject of public consultation late last year/earlier this year.

The provisions of Strategic Policy SD08 (Development allocations at Budleigh Salterton) reflect this and allocate the site for 35 dwellings.

Its inclusion within the document follows the assessment of sites for allocation carried out by the Council's Strategic Planning Committee in 2024.

The assessment's reasons for allocating the site were summarised as follows:
'Well related to existing services and facilities in Budleigh Salterton and provides an opportunity for additional homes to meet local needs. Scale of development would be compatible with the local plan strategy for a tier 3 settlement to support development to meet local needs and those in the immediate surrounding area. Although the site is major development in the context of the National Landscape, there are considered to be exceptional circumstances to justify it.'

Sitting behind the Publication draft of the emerging Plan is a topic paper titled 'Major Development in National Landscapes'. It sets out how 'major development' in the context of a National Landscape has been identified and assessed in relation to site allocations.

As is evident from paragraph 190 of the NPPF, referred to above, the identification of 'major development' in a National Landscape in this context is open to interpretation by decision makers to take into account local factors.

The topic paper sets out how the NPPF has been interpreted for the Local Plan in light of the particular characteristics of the National Landscapes within East Devon.

The assessments consider whether development of the allocation sites have the potential to have a serious adverse impact on the natural beauty of a National Landscape by reason of its scale, character or nature. This has been necessary to avoid a situation where an allocation could be undeliverable because it was incapable of meeting the NPPF tests on 'major development'.

However, it does not mean that no further assessment is necessary as part of the development management process because the precise nature of the proposed development will have an impact on planning judgements about the actual impact on a National Landscape.

Where it is concluded that an allocation would constitute 'major development' in the context of a National Landscape, the NPPF (at paragraph 190, as referred to above) requires an assessment of whether there are 'exceptional circumstances' to justify the development 'in the public interest'.

The NPPF sets out three tests to assist such an assessment:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The topic paper also therefore includes this assessment.

In relation to the application site, the principal conclusions are that:

- in terms of setting the site is open and rural, albeit on the edge of the town. However, trees and hedgerows screen the site from the settlement edge to some extent
- the landscape is semi-enclosed with clear views from the settlement edge, to which the site makes a limited positive contribution
- although the landscape forms part of the wider rural setting for the town, its landscape quality is diminished by its relationship with the existing urban edge and a lack of special qualities representative of the NL
- the landscape assessment found the site to have a medium scenic quality
- the adjoining housing and traffic on the adjacent B3178 restrict levels of tranquillity

- development of the site has the potential to affect the setting of the Grade II* listed Tidwell House, but this impact could be mitigated through careful design and landscaping
- development would not result in a significant adverse impact on the purposes for which the NL has been designated
- the allocation would constitute 'major' having regard to certain specified criteria with development accordingly amounting to 'major development'

The proposal is therefore considered in this instance to constitute 'major development' for the purposes of paragraph 190 of the NPPF.

However, as alluded to above, in such circumstances it is necessary for an 'exceptional circumstances' assessment to be undertaken to justify the need for the development having regard to the wider public interest.

This too is incorporated within the topic paper. Its principal findings/conclusions are as follows:

- in terms of the need for the development, the scale of development is below the level that would be expected through the spatial strategy of the plan
- the percentage increase in the number of homes as a result of the allocation would, at around 1.4%, represent a significantly lower rate of expansion than the other local centres (tier 3 settlements)
- two other Budleigh Salterton sites considered for inclusion in the local plan were discounted due largely to potential impacts upon the NL
- there are therefore no suitable alternative sites identified; all sites in Budleigh Salterton are within the NL
- as such, there would be no cumulative impacts on the NL from other proposed housing allocations
- whilst the landscape is sensitive to change detrimental impacts can be mitigated to some extent
- ecological impacts are minimal and there are no other environmental impacts noted
- there are 'exceptional circumstances' that would justify development in the 'public interest' insofar as the plan strategy to direct local growth to the town and surrounding areas has been reduced in the interests of the NL and there is a lack of alternative sites with less impact upon it

Principle of Development - Conclusion

It may be argued that the 'tilted balance' presumption in favour of sustainable development set out at paragraph 11d) of the NPPF is not engaged in this case owing to policies that seek to protect the NL, notwithstanding the Council's lack of the requisite five year supply of available housing land. This depends on whether the harm to the National Landscape is significant, this is discussed later in this report.

However, whilst comprising 'major' development within such an area when considered against NPPF paragraph 189, the site in this case is an allocated site for housing within the emerging Local Plan. Its inclusion within this Plan follows the necessary assessment against the 'exceptional circumstances' test set out in NPPF paragraph 190 having been carried out. This has found that there are exceptional circumstances that justify the allocation (and therefore housing development) and,

moreover, that the development is in the public interest. This is in turn owing to the need to increase housing land supply and, within the Budleigh Salterton context, it being the only allocated site owing to other sites having been found to be unacceptable given the sensitivity of the NL designation that washes over the built-up area of the town as well as its rural setting.

In the circumstances therefore it is considered that the principle of residential development of the site could be acceptable subject to other material planning considerations.

Impact upon Character and Appearance of National Landscape

Paragraph 189 of the NPPF confers upon NLs, along with other designated landscape areas, the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty and states that great weight should be given to these objectives in the control of development within them.

This is reinforced by the provisions of adopted Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs) as well as, more generically, Policy D1 (Design and Local Distinctiveness) which, among other criteria, require that proposals respect the area's key characteristics and special qualities and do not adversely affect important landscape characteristics.

The principal views of the site that are available are those from the B3178 immediately adjacent to the northern boundary and from various points along this road from the north east, including from junctions with both Bear Lane and Kersbrook Lane, for a distance of approximately 600 metres. The aspect from the junction with Kersbrook Lane is just below a point at which the main road ascends through a cutting in a hillside.

From both these more elevated and lower viewpoints, the site is visible on a slope within a wider shallow valley landscape, albeit via views that are filtered owing to the presence of the existing established hedge and tree screening along the roadside (northern), eastern and western boundaries of the site. In addition, the largely shallow gradient of the slope coupled with the angle of view from this section of the B3178 is such that from this aspect towards the development it would appear less intrusive within these views.

The scheme would also be viewed from the B3178 against the backdrop of the neighbouring Evans Field development that occupies more elevated land to the south west slightly further up the slope as well as more established development on the edge of the town at and beyond the localised ridge line to the south.

Views of the site are also available from a section of a public footpath (no. 4) that extends northwards from the B3178 to the west of Tidwell House and Tidwell Barton around 300 metres to the north east.

However, owing to a combination of existing built development, the established boundary tree and hedge screening around the site and the manner in which the

B3178 rises and then falls away to the south west beyond the junction with Bedlands Lane, the site is not readily visible in views upon approach from this direction.

Given the balance of the above factors alongside the site allocation in the emerging Local Plan, which has itself followed application of the 'major development' and 'exceptional circumstances' tests described above, it is not considered that the scheme would fail to conserve the landscape and scenic beauty of this part of the wider NL or, more broadly, mean that the Council has failed to fulfil its statutory duty to 'further the purposes' of NL designation.

The conclusions set out in the applicants' Landscape and Visual Impact Assessment report, which has been reviewed by the Council's Landscape Architect, are largely consistent with the above findings, although there is some disagreement as to both the likely level of impact at year 1 and the level of change up to to year 15 once planting has reached semi-maturity.

Whilst the report categorises these as 'moderate/minor adverse' and 'minor/negligible', respectively, the Landscape Architect considers such effects to be likely to be 'major/moderate' at year 1 reducing to 'moderate' at year 15.

This aside, the findings of the LVIA are broadly accepted.

As such, it is thought overall that the scheme would meet with the policy requirements set out above.

Design/Layout/Scale/Appearance

The site layout details have been reviewed closely in liaison with the Council's Landscape Architect and subsequently amended.

Many of the latest changes to some of the boundary treatment recommended by the Landscape Architect have been incorporated within a revised enclosures plan. A site ownership plan, defining the proposed affordable housing, land to be under the control of a management company and adopted and private roads, has also been supplied.

Whilst there remain some outstanding issues in relation to the construction detail of some of the proposed boundary treatment within parts of the scheme, it is considered that these would be capable of being addressed by means of a condition attached to any grant of permission requiring the submission for approval of a scheme of both hard and soft landscaping of the site more widely.

Similarly, it is thought that details as to the inlet and outlet headwalls to the proposed attenuation basin could reasonably be secured in conjunction with the recommended condition requiring the submission for approval of details of the means of surface water drainage (see below).

In all other respects, there are no objections to the general approach taken with regard to the layout, scale, design and appearance of both individual dwellings and unit groups.

Indeed, given the site constraints, not least in relation to its tapering configuration, and the allocation of the site for the number of dwellings proposed, the scheme is thought to respond largely positively. The layout design consciously seeks to provide development of a slightly lower density towards the more elevated southern end of the site so as to reflect its likely more visible presence in future views from the B3178 north east.

The absence of any proposals to provide footway connections from the development to Barn Lane to the east of the site, so as to provide more direct connectivity to the town's primary school, and Hooker Close to the west highlighted by a number of consultees is acknowledged.

However, both would involve third party land, in the form of a portion of the field between the application site and Barn Lane in the case of the former, that is outside of the applicant's control.

Whilst it is recognised that the alternative option available of walking along the B3178 and Bedlands Lane to access the school would be of greater distance and less direct and convenient than any potential route that would connect to Barn Lane, this route does equally incorporate a good level of footway provision.

Furthermore, at around 800 metres between the application site and the school, it would be in line with the recommended walking distances to services and facilities set out in Manual For Streets 2.

Strategic Policy SD08 of the emerging Local Plan requires that "site development will need to come forward with provision of safe footpath access to the Budleigh primary school". However, it is not specific in describing **how** or **where** this should be achieved.

In the circumstances therefore and having regard to the wider planning balance in this case, given the level of connectivity that the existing footway provision along the B3178 and Bedlands Lane described above would provide it is not considered that the explicit failure of the scheme to bring forward pedestrian connections to Barn Lane or Hooker Close should be regarded as weighing against the proposal.

In addition, it is also highlighted again that the submitted layout details include the reservation of land within the site at both ends of the turning head at the end of the spine road for the laying out of footway connections to the adjacent land on both sides of the site.

Notwithstanding the concerns raised, in light of the overall balance of factors that weigh in favour of the proposed development, it is not considered that the absence of these pedestrian connections would represent a sustainable ground upon which to refuse the proposed development of this allocated site.

The scheme would comprise two storey development throughout with all buildings modelled on gabled forms, some with front projecting elements. It would include

12no different house types in total, some with render and brick or stone variations, in addition to the proposed flats. All would feature slate roofs.

As stated above, building forms would be largely devoid of any overt complexity so as to reflect to some extent the town's character and identity with the inclusion of a variety of architectural detailing, including small roof gables that breach eaves, gabled and lean-to porches and front bay windows.

It is considered, in combination, that the variety of house types, mainly open landscaped frontage to the B3178, inclusion of central open spaces, the presentation of predominantly open frontages to the main spine road and its own slightly curved alignment would result in an attractive development that would comply with the provisions of Local Plan Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness).

Impact upon Neighbour Amenity

It is considered that, in combination, the 'rear to rear' separation distances between plots 20-28 and existing properties in the Evans Field development to the west, at between 25 and 30 metres, and the level, height and robustness of the hedge and tree screening that defines the boundary between them would sufficiently mitigate against any adverse overlooking/privacy impacts arising from this part of the development.

Moreover, it is thought that the same would largely apply in terms of the relationship between plots 29-31 at the southern end of the site and the existing adjacent properties in Hooker Close.

The northern and eastern site boundaries are bordered by the B3178 - with open countryside beyond it to the north - and an open field, respectively.

In the circumstances therefore, it is felt that the proposed development would be acceptable from a neighbour amenity impact standpoint and, as a consequence, compliant with one of the key provisions of Local Plan Policy D1 that requires that development proposals avoid adversely affecting the amenity of occupiers of adjoining residential properties.

Amenity for Future Occupiers

As referenced above, all of the proposed units would meet with the respective nationally described space standards for their sizes, number of bedrooms, etc. Furthermore, individual plot sizes are considered to be adequate for the respective sizes and types of accommodation that they would serve. Individual units and unit groups would also be orientated so as to gain the benefit of appropriate levels of natural light.

Overall, given the constraints of the site, not least in relation to its tapering configuration, alongside the allocation for 35 dwellings set out in emerging Local Plan Policy SD08 and the need to incorporate above ground surface water attenuation infrastructure, it is considered that the site layout would be appropriate in

terms of providing a good level of amenity for prospective occupiers of the development.

As previously alluded to, the scheme has undergone the scrutiny of the Council's Landscape Architect with many elements of the detailed layout subsequently amended to address specific issues in relation to matters such as plot sizes and open space provision so as to secure a higher standard of design for the development itself, the wider character of the NL and the living conditions of future occupiers.

As such, the scheme is now considered to meet with other relevant provisions of Local Plan Policy D1 in this regard.

Highways/Access/Parking

No objections are raised to the proposals by the County Highway Authority (CHA) in regard to the impact of the proposed access arrangements and visibility levels available both from and of vehicles emerging from the development in relation to safety matter nor in relation to the internal scheme layout.

It is accepted that the proposed more centrally positioned access, relative to the existing field entrance at the north western corner of the site, would enable better visibility standards to be achieved; albeit that collision data from the period 2019-2023 shows no record of direct collisions in the vicinity of the existing entrance.

Moreover, there are no objections to the proposed extension of the Evans Field development footway along the site frontage as far as the entrance to the spine road.

Although local representation that has been raised to suggest that it should be extended even further along the site frontage (i.e. to the east of the entrance to the spine road) is recognised, there is not considered to be sufficient justification for this. Moreover, it is not a requirement of the CHA.

Parking layout and refuse storage and collection plans that form part of the application particulars have been reviewed by the CHA. It is accepted that the former satisfactorily demonstrates successful parking manoeuvres and that the development would be unlikely to trigger high levels of on-carriageway parking on the highway network. It is also considered that the latter evidences that the free flow of pedestrians and traffic would not be affected from the storage or collection of refuse from the development.

It has also been highlighted that the submitted surfaces plans shows clear delineation of the private and adoptable highway areas with only sporadic areas of block paving.

A fire vehicle swept path plan also demonstrates that emergency vehicles would be able to successfully manoeuvre around the proposed development.

More widely, there is acceptance that the quantum of development would not create an unacceptable level of vehicle trip generation nor trigger a requirement for the submission of a travel plan or contribution alongside or in lieu.

However, conditions are recommended to ensure the provision of secure cycle storage facilities per dwelling, so as to mitigate vehicle trip generation and encourage sustainable travel, alongside a Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the wider highway network.

The submissions include draft heads of terms for a section 106 agreement that sets out obligations relating, among other things, to a Traffic Regulation Order to extend the existing 30mph speed limit along the B3178 to the north east of the point at which it currently ends.

Whilst not an explicit requirement referenced within the CHA's consultation response, there are obvious safety benefits to this proposal and therefore, subject to the CHA's involvement in the preparation of the relevant obligations, this is supported.

In conclusion, the proposals would satisfy the requirements of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

Foul and Surface Water Drainage

It is proposed to discharge foul drainage from the development via an existing mains sewer in the B3178 to the north of the site.

The proposed surface water drainage strategy, as stated above, involves both above and below ground attenuation in the form of the proposed attenuation basin at the front of the site and an attenuation tank, respectively, prior to discharge to a surface water sewer. It is also proposed to provide a swale along the inside of part of the length of the eastern site boundary.

The scheme has been designed to accommodate the 1 in 100 plus 45% climate change event plus 10% urban creep and calculations to demonstrate this have also been provided.

It has been demonstrated to the satisfaction of Devon County Council's Flood Risk Management Group, as Local Lead Flood Authority (LLFA), that rainwater harvesting, as one of the sequentially most preferred options in the hierarchy of means of surface water runoff discharge solutions, would not be feasible for the scale of development proposed.

However, water butts could be considered for each unit.

Furthermore, infiltration testing has demonstrated that discharge to ground (principally via soakaways) would not be feasible either owing to it recording very low rates coupled with the location of the site within a source protection zone.

The proposed attenuated discharge therefore represents the next sequentially preferred means of discharge and is acceptable to the LLFA.

However, there would be an opportunity to also incorporate partial infiltration systems, such as permeable paving with underdrainage, rain gardens or shallow infiltration trenches, that may still offer benefits and should be considered where feasible. Indeed, it is advised that rainwater butts, filter drains and permeable surfaces can be considered at the detailed design stage if required.

A condition is therefore recommended by the LLFA to secure the submission for approval of, among other things, a detailed drainage design based upon the submitted flood risk assessment. It is expected that these measures be incorporated within the required design.

On this basis, it is accepted that the proposals would comply with the provisions of Local Plan Policy EN22 (Surface Run-Off Implications of New Development).

Ecology and Biodiversity Net Gain

The application is accompanied by an ecological impact assessment (EclA) report together with a biodiversity net gain (BNG) statement, statutory metric and draft Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) that, along with a Lighting Strategy report, has been reviewed by the Council's Ecologist.

The EclA report sets out both measures for the mitigation of the impacts of the proposed development and ecological enhancement.

The former includes:

- A qualified Ecologist search of the road frontage hedge bank for reptiles, hedgehog and amphibians prior to the removal of the section to form the proposed entrance to the site/spine road
- A scheme for the landscaping of the area surrounding the proposed attenuation pond to include higher value habitats, such as meadow grassland and scrub
- Retention of hedgerows to ensure ongoing management in accordance with the HMMP
- Retention and buffering of all suitable dormouse habitat
- Retention of dark corridors along the western and eastern boundary hedges and implementation of a sensitive lighting scheme
- The incorporation of hedgehog holes within all garden boundaries to create hedgehog highways
- Protection of retained trees and hedgerows during construction

The latter comprises the installation of integrated bird nest and bat boxes and bee/insect bricks on each dwelling

In relation to BNG, the baseline units for the site comprise 3.31 habitat units, 5.10 hedgerow units and 0.00 watercourse units. An indicative BNG assessment suggests that the development is likely to be capable of delivering the requisite 10% net gain on site.

A grant of planning permission would be subject to the statutory Biodiversity Gain Condition as well as the conditions recommended by the Ecologist relating to the

carrying out of the mitigation and enhancement measures set out in the EclA and the provision of a Construction and Ecological Management Plan, Landscape and Ecological Management Plan and HMMP.

Impact upon Trees/Hedges

Revisions to the site layout details have been negotiated in order to address issues raised by the Council's Tree Officers in regard to the proximity of plots 23 and 24 to trees on the western site boundary and plot 30 to the protected Oak on the southern boundary.

As a consequence, the proposals are now acceptable from an arboricultural standpoint. However, a condition is recommended to ensure that a scheme for the protection of trees and hedges during the course of the development is submitted for approval and thereafter implemented accordingly. Such a condition would also include other measures for the safeguarding of trees, including the avoidance of burning within proximity of trees and the avoidance of any works within the agreed protective fencing and

Subject to these provisions the development would comply with Policies D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the adopted Local Plan.

Affordable Housing

As stated, the scheme would provide 12no units of affordable housing alongside an 'off-site' financial contribution so as to satisfy the Local Plan Strategy 34 requirement for 50% provision.

These would comprise 8no social rented units, in the form of 6no one bedroom flats (plots 9, 10, 11, 12, 15 and 16), 1no two bedroom dwelling (plot 17) and 1no three bedroom dwelling (plot 18), and 4no shared ownership units comprising 1no two bedroom dwelling (plot 20), 2no three bedroom dwellings (plots 21 and 22) and 1no four bedroom dwelling (plot 19).

They would be arranged broadly into two groups; one - of eight units - located along the western side of the spine road near to the entrance to the development off the B3178 with the remaining four dwellings to the north of the spur road extending off the spine road to the east.

It is considered, given the overall quantum of development and the number and proportion of affordable units proposed, that this represents an appropriate level of dispersal ('pepper-potting') throughout the scheme.

The proposed tenure and accommodation mix are acceptable to the Council's Housing Enabling Officer.

The required 'off site' financial contribution would amount to £144,790.

Both the on-site provision and financial contribution would be incorporated within obligations forming part of a section 106 agreement.

Loss of High Quality Agricultural Land

As stated, the site occupies part of a wider area of the best and most versatile agricultural land (BMV), classified as Grade 1. Paragraph 187 of the NPPF states, among other things, that planning decisions should recognise the wider benefits from natural capital, including the economic and other benefits of BMV agricultural land.

Policy EN13 (Development on High Quality Agricultural Land) of the adopted Local Plan protects BMV from development not associated with agriculture or forestry and states that permission will only be granted for development affecting such land exceptionally if there is an overriding need for the development and either sufficient land of a lower grade is unavailable or has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs agricultural considerations or the benefits of development justify the loss of high quality agricultural land. If BMV needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including nature conservation value, outweigh land quality issues.

For the reasons set out in the preceding paragraphs, it is considered that there are material factors that weigh significantly in favour of allowing development of the site as an exception to these policies of restraint; in particular the overriding need for the development to address housing land supply issues.

Impact upon Setting of Listed Buildings

The site is located within approximately 300 metres of Tidwell House, a large and locally prominent 18th century Grade II* listed manor house, to the north east. The adjacent stables, coach houses and gate piers are separately listed Grade II.

It is considered, owing to the topography of the local landscape and the degree of natural screening, that there is very little intervisibility between these buildings and the application site. As such, the direct impact of the proposed development upon the significance of these heritage assets as contributed by their setting would be restricted. The degree of any harm would therefore be less than substantial.

The retention of the present hedge screening and reinforcement with further tree planting would be important in both assimilating the development into the rural landscape and reinforcing the existing rural setting of the listed buildings within the present shallow valley landform that it occupies.

In the circumstances therefore, it is thought that the proposals would comply with the requirements set out in Local Plan Policy EN9 (Development Affecting a Designated Heritage Asset).

Section 106 agreement obligations

The application submissions include draft heads of terms for a section 106 agreement to secure the following:

- o Affordable housing - on site provision and 'off site' financial contribution

- o Traffic Regulation Order to relocate the speed limit
- o Travel Plan
- o On site open space implementation and management
- o Sustainable Urban Drainage system implementation and management
- o Habitat Regulations financial contribution

Planning Balance

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Budleigh Salterton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the current inability to demonstrate a five-year housing land supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), notwithstanding the relevance of policies that seek to protect areas such as NLs that can mean that it need not be applied, there is a presumption in favour of sustainable development in such circumstances.

Paragraph 190 of the NPPF is also material to consideration of both the application proposal and the allocation of the site for housing development in this instance. Whilst presuming against 'major' development within NLs (and other designated landscape areas) it does allow for such development in 'exceptional circumstances' and where it can be demonstrated that it is in the public interest.

Although the Council's assessment categorises the proposal as 'major' development in this case, in applying the 'exceptional circumstances' test it has been found that the lack of availability of suitable alternative sites for housing development with less impact upon the NL and the plan's strategy of directing growth to the town (at a markedly lower rate of expansion in comparison with other 'Tier 3' service centres) justify the allocation.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

As the impacts are not significant the tilted balance in favour of sustainable development is applicable.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site financial contributions. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would

incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no other significant contextual objections to the proposed development or technical issues that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

Habitat Regulations Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10km. of European designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European sites and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the sites would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 and states '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

The draft heads of terms submitted within this application makes clear that such contributions would be the subject of obligations for inclusion within the proposed section 106 agreement.

On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, it can be concluded that this proposal would not give rise to Likely Significant Effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED subject to completion of a Section 106 Agreement and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Land at Barn Lane, Knowle, Budleigh Salterton Flood Risk Assessment (Report Ref. 2043-C-FRA-0001, Rev. P7, dated 21st January 2026).
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above in so far as they serve that building.

(Reason - To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan (2013-2031).

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

development or other operations shall take place except in complete accordance with the approved protection scheme.

The following restrictions shall also be strictly observed:

- a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
- b) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- c) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- d) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- e) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- f) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031). This needs to be a pre-commencement condition to ensure tree protection from the outset of development.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

6. No development shall continue above slab level until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and no dwelling shall be occupied until the approved storage facilities related to that dwelling have been provided.

(Reason - In the interest of promoting sustainable travel in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013- 2031.)

7. The development shall be carried out in strict accordance with the Ecological Impact Assessment (GE Consulting, January 2026), in particular the ecological mitigation and enhancement measures detailed in Section 5.3, Section 8 and Figure 3. The development shall not be first occupied until the Local Planning Authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
 - a) integrated bat boxes - 35 no.
 - b) bird boxes - 35 no.

- c) insect bricks - 1 per dwelling
 - d) hedgehog highways - 13 cm² holes at the base of fencing every 5 m intervals
- have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted HMMP/LEMP and CEcoMP.

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

8. No external lighting shall be installed unless in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Any lighting design shall be fully in accordance with BCT/ILP Guidance Note 08/2023 to include the following:
- a) Maximum of one external LED downlighter above or beside each external door and below eaves height;
 - b) Colour Corrected Temperature not exceeding 2700K;
 - c) Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio; and
 - d) Every such light shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute.

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

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

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

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

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

The Plan shall be prepared in accordance with the submitted Ecological Impact Assessment (GE Consulting, January 2026), the approved Biodiversity Gain Plan, and the approved landscape plans and associated details and shall include the following:

a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/maintained.

b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.

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

d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.

e) The management measures to maintain created and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

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

i. Existing trees and hedgerows/banks.

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

g) The number, location and design of integral bat boxes, integral bird boxes, bee bricks, and hedgehog holes.

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

i) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

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

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

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason - To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.) This needs to be a pre-commencement condition to ensure that the necessary survey work can take place before the land is disturbed and to ensure any necessary environmental protections are in place from the outset.

11. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure

Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

(Reason - To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. A pre-commencement condition is required to ensure that all waste material is dealt with in a sustainable way from the outset of the development, including any ground works, demolition, construction and operation.)

12. No trees, shrubs, hedges or other planting/grass areas within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs, hedges or other grass/planting areas removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan (2013-2031).)

13. No development above foundation level shall take place until details of fencing, walling or other boundary treatment between plots, and between plots and adjacent areas of open space, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the approved details with the boundary treatment installed prior to occupation of the dwelling to which it relates.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the submitted details no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

15. No individual dwelling shall be occupied until the bin storage facilities for that dwelling have been provided in accordance with the details shown on the approved plans. The approved facilities shall thereafter be retained in perpetuity.

(Reason - In the interests of ensuring that adequate provision is made for the storage of recycling and refuse within the development in accordance with policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

16. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the development and surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no

gates, fences, walls or other means of enclosure shall be provided unless approved as part of this planning permission.

(Reason: To protect the character and appearance of the site in accordance with Policy D1 of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

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

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

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

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

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

Plans relating to this application:

1788-470 birchwood	A	: Proposed Plans	Combined	05.01.26
1788-471 birchwood render	A	: Proposed Elevation		05.01.26
1788-461 alderwood	C	: Proposed Elevation		05.01.26
1788-460 alderwood	A	: Proposed Plans	Combined	05.01.26
1788-451 4B7P	G	: Proposed Elevation		05.01.26
1788-441 3B5P	G	: Proposed Elevation		05.01.26
1788-450 4B7P	F	: Proposed Plans	Combined	05.01.26
1788-440 3B5P	F	: Proposed Plans	Combined	05.01.26
1788-430	F	: Proposed	Combined	05.01.26

2B4P		Plans	
1788-431 2B4P	G	: Proposed Elevation	05.01.26
1788-421 chinley B	G	: Proposed Elevation	05.01.26
1788-420 chinley B	F	: Proposed Combined Plans	05.01.26
1788-412 chinley A	A	: Proposed Elevation	05.01.26
1788-411 chinley A brick	G	: Proposed Elevation	05.01.26
1788-410 chinley A	F	: Proposed Combined Plans	05.01.26
1788-382 peakridge render	G	: Proposed Elevation	05.01.26
1788-381 peakridge brick	H	: Proposed Elevation	05.01.26
1788-380 peakridge	G	: Proposed Combined Plans	05.01.26
1788-371 willowcrest brick	G	: Proposed Elevation	05.01.26
1788-370 willowcrest	F	: Proposed Combined Plans	05.01.26
1788-362 elmhurst render	G	: Proposed Elevation	05.01.26
1788-361 elmhurst brick	G	: Proposed Elevation	05.01.26
1788-360 elmhurst	F	: Proposed Combined Plans	05.01.26
1788-353 foxglove stone	A	: Proposed Elevation	05.01.26
1788-351 foxglove combination	H	: Proposed Elevation	05.01.26

1788-350 foxglove	G	:	Proposed Plans	Combined	05.01.26
1788-343 meadowvale stone	A	:	Proposed Elevation		05.01.26
1788-340 meadowvale	F	:	Proposed Plans	Combined	05.01.26
1788-332 coppice render	G	:	Proposed Elevation		05.01.26
1788-330 coppice	F	:	Proposed Plans	Combined	05.01.26
1788-321 parkland brick	H	:	Proposed Elevation		05.01.26
1788-322 parkland render	J	:	Proposed Elevation		05.01.26
1788-320 parkland	H	:	Proposed Plans	Combined	05.01.26
1788-312 beckfold render	G	:	Proposed Elevation		05.01.26
1788-311 beckford brick	G	:	Proposed Elevation		05.01.26
1788-310 beckfold	F	:	Proposed Plans	Combined	05.01.26
2043_0720 surfacing specification layout	P7	:	Layout		05.01.26
2043_0700 highways engineering layout sheet 1	P7	:	Layout		05.01.26
2043_0600 external works	P9	:	Other Plans		05.01.26
1788_PL107 refuse collection	M	:	Other Plans		05.01.26

1788_PL106 M : Other Plans parking	05.01.26
1788_PL103 N : Other Plans materials	05.01.26
1788_PL105 M : Other Plans surfaces	05.01.26
1788_PL102 Q Proposed Site Plan	05.01.26
2043-0520 P3 : Sections attenuation sheet 1	05.01.26
2043-0521 P2 : Sections attenuation sheet 2	05.01.26
2043-0522 P1 : Sections attenuation sheet 3	05.01.26
LB579_D01 E : Landscaping soft sheet 1 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 2 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 3 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 4 of 4	05.01.26
1788-PL01 E Location Plan	03.09.25

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on

Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

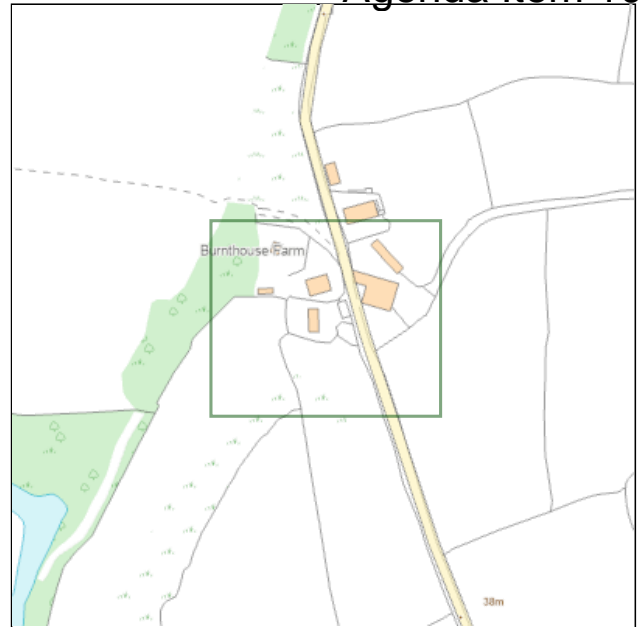
Ward Budleigh And Raleigh

Reference 25/2502/FUL

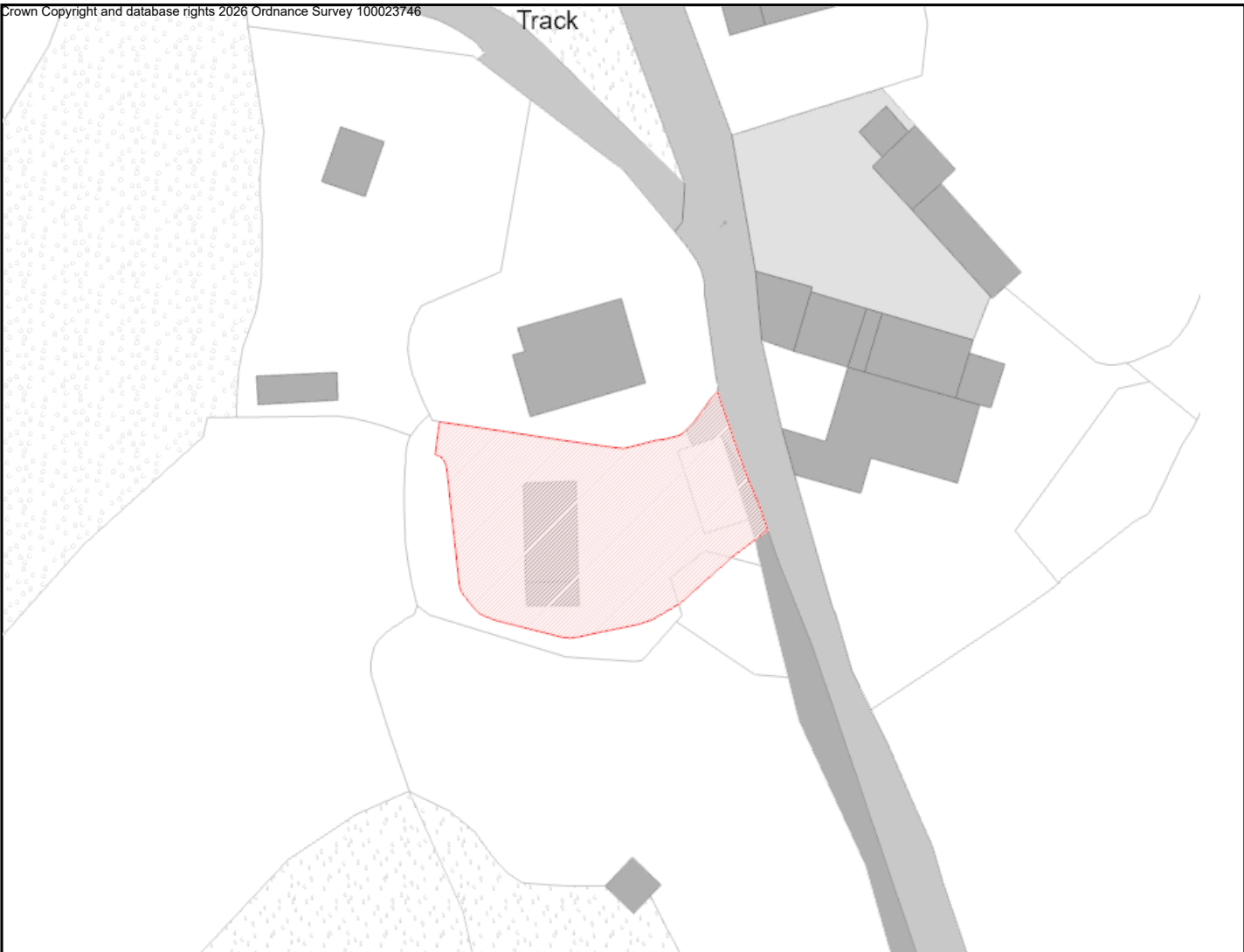
Applicant Clinton Devon Estates

Location Redundant Barn Adjacent To Burnthouse Cottage Northmostown Sidmouth

Proposal Conversion of existing barn to create new dwelling including rear single storey extension



RECOMMENDATION: Refusal



		Committee Date: 12.05.2026
Budleigh And Raleigh (Otterton)	25/2502/FUL	Target Date: 05.03.2026
Applicant:	Clinton Devon Estates	
Location:	Redundant Barn Adjacent To Burnthouse Cottage Northmostown	
Proposal:	Conversion of existing barn to create new dwelling including rear single storey extension	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before committee as the recommendation is contrary to the views of the Ward Member and Parish Council.

The application proposes the conversion of a redundant barn adjacent to Burnthouse Cottage into a three-bedroom dwelling, including a substantial rear extension, parking and associated landscaping. The site lies outside any settlement boundary, within the East Devon National Landscape, and close to several Grade II listed buildings.

While the principle of re-using a rural building is acknowledged and the proposal received local support, the scale of the extension, excavation works, parking provision and introduction of domestic features are considered to amount to a substantial and unsympathetic alteration. The development would undermine the agricultural character of the barn, cause visual harm to the nationally protected landscape, and fail to conserve the setting of nearby listed buildings.

The Council's Conservation Officer identifies the barn as a non-designated heritage asset and concludes that the proposal would result in moderate to substantial harm. This harm arises from the scale of the extension, removal of historic structural elements, extensive groundworks, and the introduction of domestic features that erode the barn's historic agricultural character. In addition, the proposal would fail to preserve or enhance the setting of surrounding Grade II listed buildings, resulting in further heritage harm. The limited public benefits associated with the provision of a single dwelling are not considered sufficient to outweigh this harm.

In addition, the submitted ecological information is insufficient to demonstrate that impacts on protected species, including bats and barn owls, can be adequately mitigated. Furthermore, due to its countryside location occupiers of the development will be reliant on use of the private car.

Although the Council cannot demonstrate a five-year housing land supply, the site's location within a protected landscape and the identified landscape, heritage and ecological harms mean that the presumption in favour of sustainable development does not apply. The proposal is therefore contrary to national and local planning policy and is recommended for refusal.

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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Adopted Strategy 48 (Local Distinctiveness in the Built Environment)

Adopted

D1 (Design and Local Distinctiveness)

Adopted D2 (Landscape Requirements)

Adopted

D3 (Trees and Development Sites) Adopted

D8 (Re-use of Rural Buildings Outside of Settlements)

Adopted EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting)

Adopted EN9 (Development Affecting a Designated Heritage

Asset) Adopted EN14 (Control of Pollution) Adopted

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

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access)

Adopted TC9 (Parking Provision in New Development)

Adopted

Sid Valley Neighbourhood Plan (Made)

Policy 1: Sid Valley Development Principles

Policy 6: Infill Development, Extensions and Trees

Policy 7: Local Distinctiveness

Draft East Devon Local Plan 2020-2042 Policies

COMMITTEE REPORT

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Policy HN06 (Sub-dividing or replacing existing buildings and dwellings)

Draft Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy TR04 (Parking standards) Draft

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

Draft Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features)

Draft Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Policy HE03 (Conservation Areas)

Draft Government Planning

Documents

National Planning Practice Guidance

National Planning Policy Framework 2024 (as amended)

Consultation Period End Date: 13.02.2026

CONSULTATIONS

Parish/Town Council

03/02/26 - Burnthouse Barn planning comment. Members of the Parish Council visited the site. The existing barn is showing signs of weathering and degradation due to exposed cob and lack of maintenance.

The barn is no longer required or suitable for agricultural use and the proposal will bring it back into use before the building is past a state of repair.

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The proposed new extension will not be very visible from the front and as the proposal seeks to retain the existing walls and structure the appearance will be of a traditional style barn design.

Initial concerns regarding Barn Owl and bat roosting sites seem to have been mitigated as detailed in the reports.

The Parish Council therefore supports this application.

Budleigh And Raleigh - Cllr Charlotte Fitzgerald

09/04/2026 - Indeed in line with the parish council I would like to have it on record that I support 25/2502/FUL, such that a report to the chair can be made and an opportunity to discuss the issues before decision is made, thank you.

EDDC Trees

26/01/26 - No arb concerns.

Environmental Health

23/01/26 - I have considered the application and do not anticipate any environmental health concerns

Conservation

10/03/26 —

A heritage objection has been received in respect of the proposed conversion of the redundant barn at Burnthouse, Northmostown. While the building is not statutorily listed, it is considered to meet the criteria for a non-designated heritage asset due to its age, traditional construction, historic agricultural use, and its relationship with adjacent Grade II listed buildings, including Burnthouse Cottage, Burnthouse Farm and the listed linhay to the east.

Concern is raised that the proposal would result in the loss of significant historic fabric, particularly the removal of the internal king post roof trusses, which are identified as key elements contributing to the barn's historic and evidential value. In addition, the proposed single-storey flat-roofed rear extension is considered to introduce an overly modern and domestic form of development that would be incongruous with the character of a traditional rural agricultural building.

Further concern is expressed regarding the extent of land regrading, hardstanding and car parking, which is considered to erode the barn's agricultural setting and cause harm to the setting of nearby listed buildings. Having regard to the National Planning Policy Framework and relevant heritage guidance, the works are assessed as resulting in a moderate to large level of heritage harm, which is not considered to be outweighed by the public benefits of the scheme.

On this basis, the proposal is not supported on heritage grounds, as it would fail to conserve the significance of the non-designated heritage asset and would negatively affect the setting of designated heritage assets nearby.

EDDC District Ecologist

09/02/26 -

The Council's Ecologist has reviewed the proposal and raises a holding objection, pending the submission of further information.

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Ecological surveys have identified the presence of roosting bats and evidence of nesting Barn Owls, together with potential nesting habitat for other breeding birds. While bat emergence surveys were undertaken in May and June 2025, only two surveys were completed despite the barn being assessed as having high bat roost potential. Further justification is required to explain the deviation from best-practice guidance and to demonstrate that a bat maternity roost is not present. Until this information is provided, the adequacy of the proposed mitigation cannot be confirmed. It is also advised that a Bat Mitigation Class Licence would not be applicable, due to the number of bat roosts identified, and that a full European Protected Species Licence would be required from Natural England prior to commencement.

Evidence of a nesting Barn Owl has been recorded within an existing owl box inside the barn. While the provision of a replacement Barn Owl box and a pre-commencement check is welcomed, further clarification is required regarding timing restrictions for works to ensure compliance with wildlife legislation. Similar timing and pre-works checks are recommended in relation to breeding birds, should works take place during the March to August nesting season.

In respect of Biodiversity Net Gain, the submitted metric demonstrates an onsite net loss to be compensated through the off-site purchase of 0.13 Area Habitat Units, which is considered acceptable. However, clarification is required regarding the failure of one statutory condition assessment, and confirmation of the allocation of biodiversity units on Natural England's Biodiversity Gain Site Register will be required prior to commencement in order to discharge any BNG condition.

Overall, while elements of the ecological assessment are acceptable, the application cannot be supported at this stage due to outstanding survey and mitigation clarification requirements.

Other Representations

Two letters of objection have been received from third parties which raise issues relating to visual impact, neighbour amenity, heritage impacts and missing information.

Site description

The site is located 1.5 miles South of Northmostown and approximately 1 mile (by foot) from Colaton Raleigh to the East. The plot measures approximately 580m² and is located within the East Devon National Landscape.

The application is for the conversion of a barn into a dwelling. The barn (Figure 1) is in relatively poor condition but is considered to visually contribute to the character of the area and the historical setting. A structural survey has been submitted which suggests the barn is capable of conversion.

The site is located along a classified 'C' road known as the Lane from Pinn Lane Corner to Northmostown Farm (Figure 2) and is accessed via an opening along the Eastern (front)

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site boundary.

A site visit was conducted on 14/01/2026 where it was observed that the site slopes relatively steeply down from the Southwest to Northeast. This means that the barn sits in an elevated position in comparison to the adjacent buildings. The site would be considered prominent within its locality and holds a visual relationship with the adjacent farm buildings. The adjacent farm buildings are Grade II listed heritage assets known as Burnt House Cottage (directly North), Burnthouse Barn (directly East), Burnthouse Linhay (to the Northeast as seen in Figure 3) and Burnthouse Farm (directly Northeast).

The site is not located within a flood zone and does not benefit from any additional special designations.

Proposed development

The application seeks permission to convert an existing thresher barn into a 3-bedroom, 6-person dwelling. The proposal would introduce a large, glazed window on the front elevation which would fill an existing opening which is currently a large timber door. The front elevation would also feature a centrally positioned roof light.

The rear elevation would see a large, single storey, sedum-roofed extension introduced. The bulk of the extension would measure approximately 10.8 metres in width, 5.8 metres in length and 3.4 metres in height. The extension would partially wrap around the side elevation. The overall footprint of the extension measures at approximately 65m², which represents a doubling of the existing footprint.

The scheme also proposes significant amounts of hard landscaping which would require excavation and regrading of the land. The excavation would create two off-street parking spaces and a walkway along the northern boundary of the site that would lead to the entrance of the dwelling.

The boundary wall on the eastern elevation will be partially retained and extended with gabion baskets.

Planning History

There is no relevant planning history.

ANALYSIS

The application has received support from the local ward member and the parish council. Two letters of objection have been received from third parties which raise issues relating to visual impact, neighbour amenity, heritage impacts and missing information. Upon review of the scheme and these comments, issues relating to location, visual impacts, heritage impacts, highways, trees and hedgerows, flood risks and housing need shall be discussed as well as the schemes alignments with Policy D8 of the EDLP.

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Principle of Development

The application site is located outside any built-up area boundary and is therefore located within the countryside as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan (EDLP). Strategy 7 seeks to strictly control new development and will only permit development that is explicitly permitted by other policies within the development plan, provided that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Being a conversion the principle of development could be supported by Policy D8 (Re-use of Rural Buildings Outside of Settlements). This policy will permit development subject to the alignment with the five criteria as follows:

1. The new use is sympathetic to and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

An assessment against criteria 1 shall be completed within this report.

2. The building is structurally sound and capable of conversion **without the need for substantial extension**, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The application is accompanied by a structural survey which confirms that the building is suitable for conversion. However a substantial single-storey extension of a similar footprint to the barn is proposed which accommodates a kitchen/dining area, pantry and toilet. These services are located beyond the footprint of the barn which then accommodates three double bedrooms within the barn. The proposal therefore conflicts with criteria 2 of policy D8.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

Assessment against criteria 3 shall be completed in this report.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

The application proposes using an existing access point. The scheme proposes parking space for two vehicles and will not result in a significantly higher number of road users. The scheme would therefore fulfil this requirement.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

Upon completing a site visit, it was apparent that the building was not currently in use, nor had it been recently used. When considered the apparent continued disuse of the structure, a replacement structure would not likely be required.

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Location

Policy D8.1 of the EDLP permits the conversion of redundant buildings in the countryside provided that they are located in areas that do not substantively add the need to travel by car. The nearest settlement would be Colaton Raleigh, approximately 1 mile to the West by foot. Colaton Raleigh contains a village shop, bus stop and public house. Other small businesses exist within the settlement; however, these would not fulfil the everyday needs of those residing within the settlement. To walk from the site to these services, would require an occupier to, in part, walk along unlit and unpaved roads and, a 400-metre stretch of unlit public footpath. This route would be considered unsuitable for the purposes of accessing essential services such as the village shop. It would therefore be anticipated that occupiers of the proposal would need to travel to the village by car meaning the site is not sustainably located and thus in conflict with Policy D8.1, D8(c) and Strategy 5B of the EDLP.

It should however be noted that the district is currently unable to demonstrate a 5 year-housing-land-supply (5YHLS). As such, there is a presumption in favour of sustainable development (the tilted balance) unless policies within the NPPF provide a strong reason for refusal. If the tilted balance is applied, locational policies in the development plan, such as Strategy 7 and Policy D8.1/D8(c) carry less weight.

Subject to an assessment of the proposal against relevant framework policies and, a determination as to whether the tilted balance is applicable to this application, conflict with the locational requirements of the local plan may not demonstrably outweigh the benefits of an additional dwelling.

Visual impact upon Character and Landscape.

The existing barn is comprised of exposed red cob sat upon a stone rubble footing with a corrugated iron roof. It is understood that the site has recently been cleared and that the barn is now more prominent within its immediate context. Whilst the barn appears to be in relatively poor condition, it makes a strong historic and agricultural contribution to its rural setting and bares a strong relationship with the surrounding farm buildings of similar character.

The site is located within the East Devon National Landscape. Section 245 of the Levelling-up and Regeneration Act 2023 places a statutory duty upon relevant authorities to 'seek to further' the statutory purposes of the protected landscapes. Paragraph 189 of the NPPF states that great weight should be given to the conservation and enhancement of these areas and that development should be sensitively located and designed to avoid or minimise adverse impacts upon the landscape and cultural heritage.

The conservation officer considers the barn as a non-designated heritage asset. Although being in poor condition, the barn would therefore be considered a structure of cultural heritage and adverse impacts should be avoided or minimised. Regarding impacts upon non-designated heritage assets, paragraph 216 of the NPPF states that:

'The effect of an application on the significance of a non-designated heritage asset

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should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Therefore, the scales of harm upon the non-designated heritage asset shall be taken into account as a means of establishing the impacts upon the cultural heritage of the East Devon National Landscape.

The application proposes the introduction of a large parking area to the front of the barn. This parking space has been designed to accommodate a turning area for two vehicles and would be located along the Eastern (front) site boundary. This area would retain a stone wall that fronts the site and extend it through the introduction of pebble-filled gabion baskets. Planting is proposed either side of the wall and gabions and the parking area would use permeable material. Within the design and access statement, Figure 2 suggests that this planting would be domestic species. Given the sloping nature of the site, it is anticipated that considerable amounts of excavation are required to accommodate the parking area and retaining walls.

In addition to the parking area, a pathway to the dwelling will be created. This pathway will lead directly to the extension which projects beyond the side elevation of the barn. The extension would be finished in blackened timber cladding, feature large amounts of glazing and afforded a small, terraced area to its South (side) elevation. The extension, by virtue of its footprint, has been considered a substantial addition to the barn. It's visual impact upon local character would be reduced due to its position being predominantly located behind the barn. The entrance point would be visible and visually contrast the historic characteristics of the site and surrounding farm buildings.

The barn itself would be significantly altered by the introduction of a large extension which would increase the footprint of the barn by ~99%, roof light on the front elevation, blackened timber cladding on the gable-ends of the barn, large windows at ground floor level on both side elevations, three roof lights on the rear roof slope and, the existing large opening will be filled with glazing.

These alterations and landscaping would collectively domesticate a structure with an otherwise robust and uncluttered appearance. The introduction of openings, a large extension, roof lights, parking area and a domestic garden space would dilute the strong characteristics of a simple agricultural structure that is recognised as holding cultural heritage value. The extensive landscaping required to introduce a parking space would remove the open setting that characterizes a typical history of single farmstead ownership. When considering the proposed domestication of the agricultural structure in conjunction with the extensive development required to form the parking space, the proposal would not conserve or enhance the special landscape characteristics or cultural heritage of a site that forms part of the East Devon National Landscape. The proposal would therefore conflict with the requirements of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and criteria 1 and 3 of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the EDLP. It would also fail to further the purpose of the National Landscape

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Residential Amenity

One letter of objection has been received raising concerns about the impact upon amenity. The site lies within 7-metres of the nearest dwelling (Burnthouse Cottage) which is located directly North of the site. Due to the sloping nature of the site and wider area, the barn is situated approximately 2-3 metres above Burnthouse Cottage. As such, the ground floor of the barn would be roughly level with the first floor of Burnthouse Cottage. The site boundary between the two properties is a large, dense hedgerow however, the site visit identified that this hedgerow can be very sparse during the winter months and afford a degree of transparency (Figure 3).

Whilst the properties are closely located, views between them would not be direct and would be partially obscured by the boundary treatment. The closest north-facing windows could reasonably be conditioned to use obscure glazing which would be an acceptable means of mitigating any impacts upon neighbour amenity. It can therefore be concluded that the ground floor windows, with a suitable condition, would not adversely impact on neighbour amenity. There are no first-floor windows proposed on this side elevation. The scheme would therefore align with the requirements of Policy D1 of the EDLP.

Heritage

The council's conservation officer has produced the following report:

This application relates to the conversion of a barn to create a new dwelling, including a rear single storey extension, within the setting of Grade II Burnthouse Cottage, Burnthouse Farm and Burnthouse Farmstead.

Setting

In setting the development site is located south of Burnthouse Cottage and west of the historic stead associated with Burnthouse Farm located to the northeast.

Whilst it has proven difficult to determine if the barn subject to conversion is curtilage listed as part of the wider stead. There are similarities between construction techniques and the materiality adopted for both the redundant barn and the Grade II listed linhay to the east, that forms the historic stead to Burnthouse Farm, namely.

Linhay approximately 13 metres - south of Burnthouse Farmhouse Early or mid C19. Exposed red cob on stone rubble footing and wall ends of large roughly dressed blocks of local conglomerate sandstone; corrugated iron roof (formerly thatch). ... The crossbeams supporting the hayloft floor are set into the rear cob wall and tusk-tenoned into the posts. The posts support king post trusses. Roof is gable-ended and end walls are cob. The linhay forms part of an attractive group with Burnthouse Farmhouse.

In this respect it is deduced the redundant barn and linhay were constructed at similar times albeit the linhay is Grade II listed. Taking this into account, the redundant barn is considered to hold sufficient historic and architectural interest,

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through its location, age, construction techniques and materiality to be identified as a non-designated heritage asset.

In setting, the topography of Burnhouse's wider agricultural landscape to the west is such that the redundant barn is elevation above street level set behind a former stone structure now a ruin that is set off the back edge of the road directly opposite the grade II listed barn and linhay to the east,.

Proposed Works

The main heritage issues to be considered through this application are therefore the effect the proposed works would have the barn as a non-designated heritage asset and in turn the setting of the Grade II listed building identified as Burnhouse Cottage to the north of the development site and Grade II listed Burnhouse Barn, Burnhouse Linay and Burnhouse Farm, located to the east and northeast of the development site.

Impact of proposed works

The development proposal includes the conversion of the existing barn to accommodate ground and first floor including the introduction of a flat roof contemporary structure extending the west (rear elevation).

In context of the barns historic and architectural interest the works as proposed would result in the loss of the key characteristic features such as the king post trusses, which provide an insight into the barns period of construction and together with its materiality holds a relationship with the Grade II linhay located east of the development site. In addition, the proposed flat roof extension to the rear, is considered out of character as an urban approach to an inherently rural structure.

Turning to the changes to the immediate setting of the barn to accommodate a domestic layout. It is evident from the proposed site plan, the area of levelling required to accommodate the rear extension and hard landscaped for car parking to the front of the barn, is substantial in context of the scale of the site. Development works that undermine the agricultural setting of the barn and in turn fail to preserve the setting of the Grade II heritage assets located in the surround.

In assessing the value of the redundant barn's significance as a non-designated heritage asset, and the scale / severity of impact as a result of the development proposals, in accordance with the NPPF 24, para 216. The Magnitude of Impact Matrix identified by BS 79132013 Guide to the Conservation of Historic Buildings, has been considered in support of providing a balanced judgement of the assessment of harm.

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BS 7913:2013

BRITISH STANDARD

Figure 2 Magnitude of impact plotted against value

VALUE	Very High	Neutral	Slight	Moderate/ Large	Large/Very Large	Very Large
	High	Neutral	Slight	Slight/ Moderate	Moderate/ Large	Large/Very Large
	Medium	Neutral	Neutral/ Slight	Slight	Moderate	Moderate/ Large
	Low	Neutral	Neutral/ Slight	Neutral/ Slight	Slight	Slight/ Moderate
	Negligible	Neutral	Neutral	Neutral/ Slight	Neutral/ Slight	Slight
	No change	Negligible	Minor	Moderate	Major	
	MAGNITUDE OF IMPACT					

*In this context, The Heritage Value the redundant barn as a non-designated heritage asset is identified as Medium. Whilst The Magnitude of Impact of the proposed work is considered Large/Very Large. The combination of which results in **Moderate / Large Harm** through the magnitude of impact matrix.*

In this respect the proposed development works will result in a Moderate to Large level of harm to the heritage value of the barn as a non-designated asset and fail to preserve the setting of the Grade II listed Burnthouse Barn, Burnthouse Linhay, Burnthouse Farm and Cottage. Failing to satisfy para's. 212, 216 and 219 NPPF 24 (as amended).

Not supported on heritage grounds.

The council's conservation officer has reviewed the scheme and concluded that, due to the age of the barn, materials used and the construction techniques used, that the barn would be considered a non-designated heritage asset.

The conservation officers report has assessed the anticipated levels of harm that would result from the development and consider that the removal of 'king trusses', the landscaping works and the proposed extension would amount to moderate-to-large levels of harm to the non-designated heritage asset. The proposal would also be impactful by virtue of its failure to conserve and enhance the settings of Burnthouse Barn, Burnthouse Cottage, Burnthouse Linhay and Burnthouse Farm, all of which are Grade II designated heritage assets. The development would therefore result in less than substantial harm to these designated heritage assets. .

Paragraphs 212, 215, 216 and 219 require that any direct/indirect level of harm attributed to a designated/non-designated heritage should be justified and outweighed by public benefit. The public benefit in this instance would be the provision of a single dwelling in a district that cannot demonstrate a five-year housing supply and securing a viable use of a historical, redundant, agricultural building. The identified levels of harm to the non-

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designated heritage asset are moderate-to-large levels and less than substantial harm is attributed to the designated heritage assets. The proposal fails to preserve or enhance the setting of the adjacent listed buildings and the identified public benefits are of limited weight. This harm needs to be weighed against any public benefits in the planning balance

Trees, hedgerows and Ecology.

The application does not propose the removal of any trees. The council's arboricultural officer does not raise any concerns.

The application has been accompanied by an Ecological survey which identifies the presence of a nesting Barn Owl and roosting bats. The council's ecologist has reviewed this report and identified issues relating to the justification of methodology and mitigation measures proposed:

'The barn was assessed as having High potential for roosting bats (Collins, 2023). No evidence was found during the preliminary roost assessment.

Only two nocturnal emergence surveys were conducted. Therefore, further information is required to justify this methodology and to provide certainty that a maternity roost is not present, i.e., why a third emergence survey was not undertaken.

Section 4 'Bats' and the Summary states that works which will result in the destruction of bat roosts could be covered by a 'Natural England Low Impact Class bat licence'. A Bat Mitigation Class Licence (BMCL) is not applicable for this site due to the number of bat roosts (four) present, which exceeds the maximum count (three) applicable for BMCL. A full European Protected Species Licence (EPSL) is therefore required from Natural England, prior to commencement of works.

Until further information is provided in relation to the survey methodology it is not possible to confirm if the suggested mitigation is appropriate/sufficient for the impacts.'

As such, they have been unable to assess whether the proposed mitigation measures are sufficient.

All British bats are protected by UK and European Legislation. It is an offence to purposefully or recklessly disturb, damage or destroy a Barn Owl nest. Assessing the impacts upon protected species is also a material consideration when determining planning applications. In the absence of a sufficient ecology survey, adverse impacts cannot be ruled out for certain. The proposal would therefore conflict with Policy EN5 (Wildlife Habitats and Features) of the EDLP.

Flood Risk and drainage

The site is not located within flood zones 2 or 3. As such, there are no concerns regarding the impacts of flooding upon the proposal.

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The site proposes the use of a soakaway as a means of draining surface water. This is a suitable means of drainage and could be conditioned to ensure the proposal aligns with the requirements of Policy EN22.

The application proposes to discharge foul sewage into a package treatment plant which would discharge into the ground. This is an acceptable means of foul sewage drainage that demonstrates alignment with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems).

Housing need

There is a presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF 2024. The site is located within a protected area (NL) as described within footnote 7 of the same document. This means that a presumption of favour should apply unless other policies within this framework provide a strong reason for restricting such development. The relevant framework policies would be paragraphs 189 and 190 which require great weight to be given to conserving and enhancing the special landscape as well as, policies 212, 215, 216 and 219 where harm must be weighed against public benefit. This report has identified that the proposed scheme would, on balance, fail to conserve the special landscape designation and, result in harm to both designated and non-designated heritage assets without sufficient levels of public benefit to outweigh such adverse impacts. As such, the proposal conflicts with these policies and the tilted balance does not apply.

Nevertheless the need for housing over the next five years is an essential consideration in planning decisions. If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

The District Council can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF and is therefore significantly short of the required figure. This needs to be weighed in the planning balance.

Planning balance

The proposed development has been assessed against policies within the local plan and the NPPF. The development is located in the countryside where occupiers would be reliant on use of the private car. The proposal is considered harmful to a non-designated heritage asset and the settings of the adjacent designated heritage assets. Additional harm would be attributed to both the landscape and cultural heritage of the special National Landscape designation that is afforded to the site. The heritage and National Landscape harms are considered significant in this context. As such paragraph 11 (the tilted balance) of the NPPF is not engaged due to significant conflicts with the framework taken as a whole.

The benefit of one additional dwelling is of limited weight and is not outweighed by the anticipated levels of landscape and heritage harm.

COMMITTEE REPORT

Conclusion

The proposed development would result in visual and heritage harm and the submitted ecology report fails to sufficiently justify its methodology and proposed mitigation measures. Furthermore, the development is in an unsustainable location. As such, the proposal fails to align with National and Local policies and is unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The site lies in the countryside where residential development is restricted. Furthermore, the proposed development, by reason of the distance to services and facilities required for daily living and the lack of safe and convenient alternatives to travel by car, would result in an unsustainable form of development with occupants of the dwelling reliant upon the use of a private motor vehicle for most journeys. As such the proposal would be contrary to the provisions of Strategies 3 - Sustainable Development, 5B - Sustainable Transport and 7 - Development in the Countryside and Policy TC2 - Accessibility of New Development of the East Devon Local Plan 2013-2031 and those parts of the National Planning Policy Framework which concern actively managing patterns of growth in support of the promotion of opportunities for walking, cycling and use of public transport and the environmental dimension of sustainable development.
2. Having regard to the extensive area of hard landscaping and retaining walls to accommodate the parking area and access and the large unsympathetic extension to the barn, the proposed development would result in a significant intrusion into the rural landscape that would adversely impact on the special character and the appearance of both the National Landscape and the street scene. In addition, the development would fail to further the purposes of the National Landscape. The proposal is therefore contrary to the requirements of Policy D1 - Design and Local Distinctiveness, Policy D8 - Re-use of Rural Buildings Outside of Settlements, and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Adopted East Devon Local Plan 2013-2031 and, Paragraphs 131 and 189 of the National Planning Policy Framework December 2024, Strategic Policy OL02 - National Landscapes (Areas of Outstanding Natural Beauty) and Strategic Policy SP06 - Development beyond Settlement Boundaries of the Regulation 19 Draft Local Plan 2025 - 2042 and, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act, 2023
3. The proposal, by way of the scale of the proposed parking area, associated groundworks, substantial extension and introduction of domestic features would result in moderate-large levels harm to a non-designated heritage asset. When read in conjunction with the settings of the adjacent listed buildings, the

COMMITTEE REPORT

proposal would result in an incongruous addition to street that would fail to enhance or better reveal the significance of the adjacent Grade II listed buildings known as 'Burnthouse Cottage', 'Burnthouse Barn', 'Burnthouse Linhay' and 'Burnthouse Farm'. This would equate to less than substantial harm upon the setting of these designated heritage assets without the necessary public benefits to outweigh this. The proposal would therefore be contrary to the requirements of Policy EN8 (Significance of Heritage Assets and their setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031, Policy B1 (Heritage Assets and their Setting) of the East Budleigh Neighbourhood Plan and the National Planning Policy Framework 2024

4. Insufficient information has been provided to demonstrate that the works could be undertaken without harm to protected species or that the impacts of the development have been mitigated to their fullest practical extent. As such it has not been demonstrated that the proposal would not lead to harm to protected species, contrary to Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013-2031 and the NPPF 2024.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	05.12.25
2507-01	Proposed Combined Plans	05.12.25
2507-02	Proposed Elevation	05.12.25

Statement on Human Rights and Equality Issues

Human Rights Act:

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

COMMITTEE REPORT

Equality Act:

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

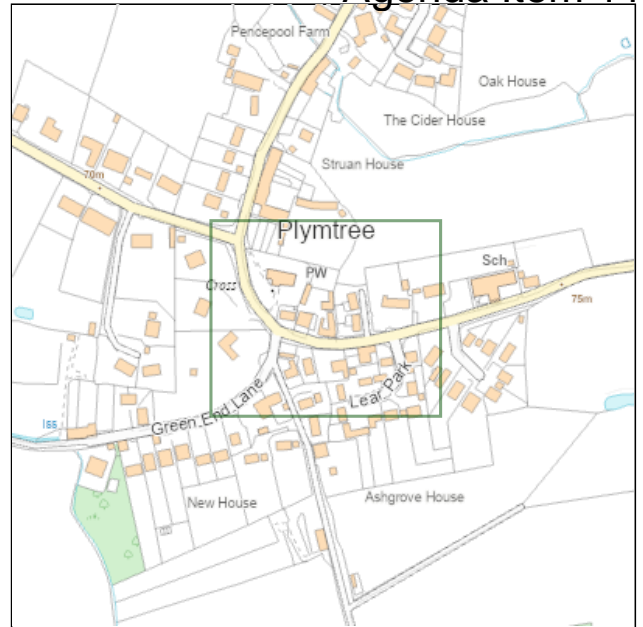
Ward Tale Vale

Reference 25/2531/FUL

Applicant Mrs Susie Carter

Location Blacksmiths Arms Plymtree Devon EX15 2JU

Proposal Change of use and associated works to a detached storage outbuilding and adjoining former stables, including alterations, partial demolition and partial rebuilding, to form a single dwelling.



RECOMMENDATION: Approval with conditions



Application Reference:	25/2531/FUL	Committee Date: 12.05.2026
Ward	Tale Vale – Cllr Richard Jeffries	Target Date: 17/04/2026 (EOT)
Applicant:	Mrs Susie Carter	
Location:	Blacksmiths Arms Plymtree Devon EX15 2JU	
Proposal:	Change of use and associated works to a detached storage outbuilding and adjoining former stables, including alterations, partial demolition and partial rebuilding, to form a single dwelling.	

RECOMMENDATION: Approve, subject to conditions.

EXECUTIVE SUMMARY

This application is before planning committee as it is a departure from the development plan.

This application seeks permission for the change of use and associated works to a detached outbuilding and former stables to form a single self-build dwelling to the rear of The Blacksmiths Arms, Plymtree. The proposal would retain the general footprint of the existing structures, introduce a modest first-floor level, and improve the appearance of the buildings through upgraded materials and the removal of the clear-roofed area.

The proposal represents a departure from the East Devon Local Plan because it conflicts with Strategy 7, which strictly controls new residential development in the countryside. Plymtree has no adopted Built-up Area Boundary, so the site is treated as countryside for policy purposes. Although Policy D8 can support conversions of rural buildings, the extent of works here — including a new first-floor level, partial demolition and partial rebuilding — goes beyond what is ordinarily regarded as a conversion. As a result, no adopted policy supports a new dwelling in this location, and the proposal is classed as a departure.

Despite this, the Planning Inspector's previous findings confirm that the village core is a sustainable location for housing, the emerging Local Plan proposes a settlement boundary that includes the site, and the Council can only demonstrate a 3.5-year housing land supply. The tilted balance in NPPF paragraph 11(d) is therefore engaged. The scheme would reuse existing buildings, enhance their appearance, and would not result in unacceptable impacts on heritage, amenity, highways, ecology or drainage.

Overall, there are no adverse impacts that would significantly or demonstrably outweigh the benefits, and the proposal benefits from the presumption in favour of sustainable development.

Recommendation: Approval, subject to conditions.

CONSULTATIONS:

Local Consultations

- Plymtree Parish Council – Neutral.

Technical Consultations

- Historic England - No comments. They are not offering advice on this application and suggest relying on the Council's own conservation and archaeological specialists. They note their lack of comment should not be taken as support or objection, and they do not need to be re-consulted unless the proposals materially change.
- District Environmental Health - No objections, subject to conditions. They note the proximity to residents and require restricted construction hours, no burning on site, and advise the applicant to follow the Council's Construction Sites Code of Practice to minimise impacts.
- District Contaminated Land - No objections, subject to a condition requiring that if any contamination is discovered during works, the LPA must be notified immediately and all activity in the affected area halted until an agreed remediation method is approved in writing. This is to ensure any uncovered contamination is properly identified and addressed.
- District Conservation – No objections, subject to conditions – see relevant section of this report.

Other Representations

Two letters of support have been received and are summarized below:

Representation 1 – Plymtree Parochial Church Council (PCC): The PCC supports the application in principle, describing it as an appropriate reuse of existing buildings. However, it raises concerns regarding the north-facing window adjacent to the Grade I listed churchyard. Specific clarification is sought on the window's height, dimensions, glazing, opening mechanism, and potential light spill, given the churchyard's use for quiet reflection and burials. The PCC also requests that construction activity be managed to avoid conflict with funerals and that access from the churchyard be agreed if required for construction or future maintenance.

Representation 2 – Local Resident:

A local resident supports the proposal, noting that it makes good use of existing buildings and will help sustain the public house as an important community asset.

Officer Response:

The support expressed for the proposal is noted. The PCC's concerns regarding the north-facing window, potential overlooking, light spill and the relationship with the Grade I listed churchyard are addressed through the heritage and design assessment, and the amendments and conditions recommended by the Conservation Officer resolve these matters.

The applicant has confirmed that the north-facing gable window has been removed from the proposal, addressing the concerns raised by the PCC.

Construction-phase considerations, including avoiding conflict with funerals and agreeing access for maintenance, fall outside the planning assessment but can be managed through normal site liaison. No further issues are raised that are not already considered within the report.

PLANNING HISTORY:

- Ref: 22/1641/VAR - Variation of Condition no.3 (Occupation) on application 18/2537/FUL – Approved – 17/08/2023.
- Ref: 22/1316/CPL - Certificate of lawfulness for conversion of games room to a studio room – Withdrawn.
- Ref: 18/2537/FUL - Conversion and extension of skittle alley to form dwelling, conversion of outbuilding and stable to games room including a skittle alley, and conversion of rooms above the public house to create 3 no. bed and breakfast rooms – Approved – 23/05/2019.
- Ref: 06/1268/FUL – Replacement Windows – Approved – 11/07/2006.
- Ref: 05/2369/FUL - Erection of new dwelling, demolition of store/outside toilet block, erection of new store/toilet block inc. disabled and formation of car park – Refused – 26/10/2005.
- Ref: 79/C0837 - CAR PARKING FACILITIES AND SMALL BEER GARDEN – Approved – 16/08/1979.
- Ref: 77/C0030 - CONSTRUCTION OF LADIES TOILETS AND CONVERSION OF EXISTING TOILETS TO STORE ROOM – Approved – 01/03/1977.

POLICIES

National Planning Policy Framework
National Planning Policy Guidance.

Local Plan 2013-2031

Strategy 3: Sustainable Development

Strategy 7: Development in the Countryside

Strategy 48: Local Distinctiveness in the Built Environment

Strategy 49: The Historic Environment
Policy D1: Design and Local Distinctiveness
Policy EN5: Wildlife Habitats and Features
Policy EN8: Significance of Heritage Assets and their Setting
Policy EN9: Development Affecting a Designated Heritage Asset
Policy EN14: Control of Pollution
Policy EN16: Contaminated Land
Policy EN19: Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems
Policy EN22: Surface Run-Off Implications of New Development
Policy TC2: Accessibility of New Development
Policy TC7: Adequacy of Road Network and Site Access
Policy TC9: Parking Provision in new Development.

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

Policy SP06: Development beyond Settlement boundaries
Policy AR01: Flooding
Policy DS01: Design and Local Distinctiveness
Policy PB07: Ecological enhancement and biodiversity in the built environment
Policy TR04: Parking Standards
Policy HE01: Historic Environment
Policy HE02: Listed buildings.

Plymtree Neighborhood Plan: Plymtree Parish Council requested that the whole of their parish be designated a Neighbourhood Area. The designation was approved on 10 June 2024. No further updates are available.

Site Description and Proposal:

The site comprises a detached outbuilding and adjoining former stables located to the rear of The Blacksmiths Arms in central Plymtree, accessed via the existing driveway serving Yew Tree Cottage. The buildings are single-storey, of rendered masonry and timber-clad construction, set within hardstanding and a small area of low-value amenity grass, with no trees or hedges affecting the proposal.

The site lies near following designated heritage assets:

- Trump Headstone Approximately 4 Metres North of the Chancel of the Church of St John – Grade II Listed Building.
- Poller Chest Tomb Approximately 1.5 metres North of the Nave of the Church of St John – Grade II Listed Building.
- Church of St John the Baptist – Grade I Listed Building.
- Lyche Gate, Churchyard Wall and Raised Pavement to South and West of Churchyard – Grade II Listed Building.
- Churchyard Cross – Grade II Listed Building.
- Illegible Chest Tomb Approximately 3.5 Metres West of the Tower of the Church of St John – Grade II Listed Building.

The northern boundary wall forms part of the boundary with the churchyard, however, it is not curtilage-listed as discussed later in this report. The site is not located within a conservation area.

The land lies within Flood Zone 1, a Nitrate Vulnerability Zone (Clyst NVZ – Surface Water), an Aerodrome Safeguarding (Outline Only) Zone, and an Airport Safeguarding Area. The site is not located within a critical drainage area.

The adjacent public house is identified as Potentially Contaminated Land. A Section 106 Unilateral Undertaking dated 16 August 2023 applies to the wider landholding.

Proposal:

The application seeks full planning permission for the change of use and associated works to a detached storage outbuilding and adjoining former stables, including alterations, partial demolition and partial rebuilding, to form a single dwelling.

The proposal would retain the general footprint and form of the existing structures but introduces a modest increase in ridge height and a new first-floor level within the outbuilding.

External works include replacing the corrugated metal roof with natural slate, applying fibre-cement cladding to match Yew Tree Cottage, and retaining areas of rendered masonry. New aluminium/UPVC windows and mixed timber/UPVC doors are proposed, including the introduction of front-facing dormer windows at first-floor level. A small section of new fencing is proposed around the access steps, while the wider courtyard remains open.

The dwelling would provide living accommodation over two floors, with a private courtyard garden to the west. Two existing parking spaces would be retained and reconfigured, with access continuing via the existing driveway to Yew Tree Cottage. Foul drainage would connect to the existing sewer, with sustainable drainage measures and rainwater harvesting incorporated. Wildlife enhancements and low-impact lighting are proposed. No trees or hedges would be affected. The development would result in an overall floorspace of approximately 105 m² (net increase of around 37.5 m²).

ANALYSIS

Principle/ Sustainable Development:

Plymtree does not have an adopted Built-up Area Boundary and, for the purposes of the adopted East Devon Local Plan, the site lies within the countryside where Strategy 7 seeks to strictly control new development. There is no made Neighbourhood Plan for Plymtree. The parish was designated as a Neighbourhood Area on 10 June 2024, but no draft plan or policies have been published and no weight can be afforded to it at this stage.

The proposal involves the change of use and associated works to existing buildings within the built fabric of the village. However, the extent of alterations, including the introduction of a new first-floor level and partial demolition and rebuilding, goes beyond what would ordinarily be regarded as a conversion for the purposes of Policy D8 of the Local Plan. As such, Policy D8 is not engaged. In the absence of a specific Local Plan policy that supports the creation of new dwellings in this location, the proposal represents a departure from Strategy 7, which only permits new residential

development in the countryside where it is required for an agricultural or forestry worker. The application must therefore be advertised as a departure.

Notwithstanding this, the planning history for the village core is a significant material consideration. In 2019, a Planning Inspector determining application Ref: 19/0394/FUL concluded that the core of Plymtree represents a sustainable location for housing, identifying the presence of local services and facilities and finding that development in this part of the village would not amount to sprawling development in the open countryside. This conclusion has subsequently informed decision-making on nearby sites.

Planning permission Ref: 18/2537/FUL, relating to the Blacksmiths Arms, accepted residential development within the same built cluster, and application Ref: 22/1641/VAR confirmed that an unrestricted dwelling in this location was acceptable subject to securing tied accommodation for the public house through a legal agreement. These decisions reinforce the established position that the village core is capable of accommodating residential development without undermining the aims of Strategy 7. A recent major application for residential development to the north of the village school further indicates that the Council has accepted the principle of growth at Plymtree as part of its wider spatial strategy.

The emerging East Devon Local Plan identifies a proposed settlement boundary for Plymtree, within which the application site is shown to fall. While the emerging plan carries limited weight, it provides a clear indication of the Council's intended approach to the role and function of the village.

Having regard to the Inspector's findings, the established planning history, and the direction of the emerging Local Plan, the site is considered to represent a sustainable location for a modest dwelling.

Five Year Housing Land Supply:

On 12 December 2024, the NPPF was updated, reverting to the requirement for local planning authorities to demonstrate a five-year housing land supply. Due to changes in how supply is calculated, the Council can currently demonstrate only 3.5 years of supply. The policies most important for determining this application, including Strategy 7, are therefore considered out-of-date, and paragraph 11(d) of the NPPF is engaged.

Paragraph 11(d) states that where relevant policies are out-of-date, planning permission should be granted unless:

- i) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal; or
- ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

Given the Council's housing land supply shortfall, the tilted balance is engaged.

Design / Visual Impacts:

The proposal involves the change of use and associated works to a detached storage outbuilding and adjoining former stables, including alterations, partial demolition and partial rebuilding, to form a single dwelling. The combined footprint of approximately 105 m² would be retained, with an increase in ridge height between 1.43m (minimum) and 2.07m (maximum) to accommodate new first-floor accommodation. Although the ridge height would be higher than at present, the resulting scale remains modest and the building would continue to read as an outbuilding-type structure within the wider group, particularly when viewed alongside the larger forms of surrounding dwellings.

The buildings sit within an enclosed cluster behind the public house, screened by surrounding development. While the increase in height will make the structure more perceptible than the existing low outbuilding, it is not considered to result in any significant visual prominence or materially alter the established relationship with neighbouring properties. The Conservation Officer advises that the increase in height would have a negligible effect on the setting of the Grade I listed church to the north-west, and that the removal of the clear roofed area would improve the appearance of the site.

The design sits comfortably alongside the adjacent skittle-alley conversion (Ref: 18/2537/FUL), following a similar restrained domestic scale and material approach. External materials will be secured by condition to ensure they reflect the local vernacular, including natural slate, appropriate brick and render finishes, and natural timber where required. Conservation-type rooflights and the omission of the gable window facing the churchyard will ensure the detailing remains sympathetic to the surrounding context.

The applicant has provided additional information regarding the use of Cedral cladding on the adjacent Yew Tree Cottage, including photographs and previous correspondence. However, the Conservation Officer maintains that natural timber, brick and render are more appropriate in this case given the relationship with the Grade I listed churchyard. Materials will therefore be secured by condition in accordance with that advice.

The courtyard to the west remains open, reflecting the existing spatial arrangement of the site. A small section of new fencing is proposed around the access steps to address level changes, but no wider boundary treatments or formal landscaping are introduced. The site is predominantly hardstanding, and the development does not alter the established pattern of subdivision or the visual containment provided by the surrounding built form, including the northern wall adjoining the churchyard.

Any external lighting is intended to be minimal and controlled, with detailed matters addressed under ecology. A materials-compliance condition and a targeted removal of permitted development rights (extensions, roof alterations and outbuildings) are justified to ensure that future alterations do not harm the character of the site or its relationship with neighbouring buildings.

Overall, subject to conditions, the proposal results in a modest and visually contained form of development that improves the appearance of the existing structures. The

scale, massing and detailing are appropriate to the setting and comply with Local Plan Policy D1.

The Historic Environment:

The council's conservation officer makes the following observations:

'The Blacksmiths Arms is within the small settlement of Plymtree, and on the map of 1840 it was known as The New Inn. To the rear (north) are a small group of ancillary building, and to the north of these is land which was historically an orchard and now forms part of the cemetery for the Grade I listed St John the Baptist Church to the north-west. This land appears from historic maps to have been outside the curtilage of the church at the time of listing in 1955.

The application proposes the conversion of the outbuildings to the rear of the public house into a dwelling, with an increase in height from one to one and two-storeys. The existing buildings are a piecemeal arrangement of mono-pitch structures in stone, brick and timber cladding with corrugated roofs, along with a large area covered in clear flat roofed corrugated sheeting.

In terms of the setting of the Grade I listed church, the impact of the proposed development will be low and will be an enhancement on the existing, subject to the external appearance of the dwelling reflecting the surrounding vernacular character. The removal of the clear roof covering to create a garden area will improve this space, while the increase in height is quite minimal and will have a negligible impact on the setting of the church, particularly as the group of buildings to the north of the Blacksmiths Arms are of varying designs and heights.

I have no objection to red brick for the north and east elevations to match the brickwork of the boundary wall, subject to material samples being submitted for approval. I have concerns about the proposed composite cladding and recommend the following:

- o External material for the west elevation shall be in an unpainted natural timber and render or red brick and render rather than a composite timber effect boarding.*
- o Omit the gable window facing the churchyard extension.*
- o Roof lights to be of a conservation type.*
- o Natural slate roof covering.*

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

Recommendation: No objections subject to the comments above and recommended conditions.

Recommended conditions:

- *External material samples to be submitted for approval (timber cladding, brick, render and natural slate)*
- *Render and brickwork sample panels to be submitted for approval.*
- *Roof lights shall be a conservation type, set flush with the roof covering’.*

Subject to conditions as suggested above the proposed development would accord with Policies EN8 and EN9 of the Local Plan.

Neighbouring Amenity:

The proposal reuses the existing building envelope and introduces a modest first-floor level within the outbuilding. Window placement has been arranged to avoid harmful overlooking, with openings directed toward the courtyard or the private garden area.

The increase in ridge height would not result in any loss of light, overbearing impact or loss of privacy to neighbouring occupiers, and the established relationship with Yew Tree Cottage and the public house remains unchanged.

There is a separation distance of approximately 10 m between the rear (west) elevation of the proposed dwelling and the rear elevation of No. 4 Knights Cottage, which contains habitable windows at first-floor level within a two-storey rear projection.

The National Model Design Code recommends a minimum separation distance of around 10 m between rear elevations and opposing side elevations. In this instance, the western elevation of the proposed dwelling will be blank-facing, similar to the existing structure, and although the ridge height will increase, the absence of windows combined with the 10 m separation distance ensures that no unacceptable loss of daylight, sunlight or overbearing impact would arise for the occupiers of No. 4 Knights Cottage.

Following submission of additional information, including photographs demonstrating the change in ground levels and the position of the boundary fence and the presence of the parking area serving Knights Cottages, it is considered that the east-facing ground-floor window would not result in harmful overlooking or loss of privacy. The window can therefore be retained without giving rise to unacceptable amenity impact.

At first-floor level, the front-facing dormer windows of the proposed dwelling would achieve a minimum separation distance of approximately 17 m to Yew Tree Cottage opposite. This falls within the 15–20 m range typically referenced in the National Model Design Code for main-to-main elevations and is considered sufficient to avoid harmful overlooking or loss of privacy.

The dwelling provides a Gross Internal Area of approximately 105 m². For a two-storey, three-bedroom, five-person dwelling the NDSS requires 93 m²; the proposal exceeds this figure and provides two double bedrooms and one single bedroom. The internal layout therefore offers an appropriate standard of accommodation.

A private garden of approximately 65 m² is provided to the west of the building, comprising both soft-landscaped and hard-surfaced areas within the courtyard. The

proposed plans introduce a small section of new fencing around the access steps, while the wider courtyard remains open, reflecting the existing spatial arrangement of the site. The space provides a functional and usable outdoor area for day-to-day domestic needs, and its size is considered acceptable given the site's central location within Plymtree and its immediate access to the village playing field, park and other public open spaces.

Overall, subject to conditions, the proposal would not give rise to any significant adverse impacts on neighbouring amenity, and the internal and external living conditions for future occupiers are acceptable. The development therefore accords with the amenity expectations of Local Plan Policy D1.

Drainage / Flood Risk:

The site lies within Flood Zone 1 and is not within a Critical Drainage Area, representing the lowest probability of fluvial flooding. No flood risk assessment is required for a development of this scale.

The application form confirms that foul drainage will connect to the existing foul sewer on the southern side of the building. This approach is acceptable in principle, subject to a compliance condition to ensure that the connection is made to a suitable point on the network and that capacity and technical requirements are met. With this safeguard in place, the proposal accords with Local Plan Policy EN19, which requires adequate foul sewerage provision for new development.

Surface water drainage details have not been submitted. The site is predominantly hardstanding and the proposal results in a modest increase in floorspace; however, a surface water drainage strategy is required to demonstrate compliance with the drainage hierarchy, confirm whether infiltration is feasible, and ensure that runoff rates and volumes do not increase above existing levels. Rainwater harvesting is proposed but does not constitute a full strategy. Given the small scale of the development and its location within Flood Zone 1, these details can reasonably be secured by condition.

Subject to this, the proposal complies with Local Plan Policy EN22, which seeks to ensure that new development does not increase surface water run-off.

Subject to conditions securing foul drainage compliance and a surface water drainage strategy, the proposal is acceptable in drainage and flood-risk terms.

Highways Safety / Access:

Vehicular access to the site is taken from the existing driveway serving Yew Tree Cottage, which also provides access to the rear of The Blacksmiths Arms. No new access is proposed. The driveway offers suitable visibility and is capable of accommodating safe entry and egress without requiring any physical alteration. The modest scale of the development and its use as a single dwelling means no material increase in traffic generation is anticipated.

Two existing parking spaces are retained on the site, with a minor reconfiguration to improve turning provision. This enables vehicles to enter and leave in a forward gear. The shared use of the driveway with the public house is longstanding, and the proposal would not impede deliveries or servicing associated with the pub. The public house,

Yew Tree Cottage and the application site are all within the same ownership, and the continued use of the existing access therefore does not require the service of Certificate B and requisite Notice.

Cycle storage is not shown on the submitted plans; however, appropriate secure and covered provision can be secured by condition to ensure compliance with Policy TC9.

Subject to conditions, the proposal utilises an established and safe access, provides adequate parking and turning space, and would not give rise to any unacceptable impacts on highway safety. The development is therefore capable of complying with Local Plan Policies TC7 and TC9.

Ecology / Biodiversity:

A daytime bat and nesting bird survey (Lee Ecology, January 2026) found no evidence of bats or nesting birds within the former stable block or store. Both buildings offer negligible roosting potential, with no roof voids, regular human use and artificial lighting. The surrounding hardstanding and small area of species-poor amenity grassland are of low ecological value, and no habitats suitable for protected species were identified. No further survey work is required.

Precautionary measures are recommended, including sensitive removal of roof materials, checks during dismantling, and cessation of works if bats are encountered. Works should avoid the bird-nesting season unless a pre-works check confirms the absence of active nests. The report also advises that any external lighting should be minimal and controlled to avoid unnecessary illumination and to ensure that biodiversity enhancement features are not adversely affected.

In accordance with Local Plan Policy EN5 and the NPPF, at least one biodiversity enhancement (e.g. integrated bat box, bird box or bee brick) should be installed. The development qualifies as a self-build dwelling, and therefore falls within the statutory BNG exemption under Schedule 7A of the Town and Country Planning Act 1990. A 10% net gain and a Biodiversity Gain Plan are not required, although proportionate on-site enhancements remain necessary.

Subject to these measures, the proposal complies with Local Plan Policy EN5 and relevant wildlife legislation.

Planning Balance:

The proposal represents a departure from Strategy 7 of the East Devon Local Plan, which seeks to strictly control new residential development in the countryside. However, the site lies within the built fabric of Plymtree, and the Planning Inspector's findings for the village core, together with the established planning history and the direction of the emerging Local Plan, carry significant weight in demonstrating that this is a sustainable location for a modest dwelling.

The Council cannot currently demonstrate a five-year housing land supply. As a result, paragraph 11(d) of the NPPF is engaged and the tilted balance applies. There are no protective policies in the Framework that provide a clear reason for refusal.

The development would reuse existing buildings, improve their appearance, and deliver a modest contribution to housing land supply in a sustainable village location. The scheme would not result in any unacceptable impacts on neighbouring amenity, highway safety, heritage assets, ecology or drainage, and proportionate biodiversity enhancements can be secured by condition.

Notwithstanding that the proposal is a departure from the Local Plan, there are no adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme. When assessed against the NPPF as a whole, the proposal benefits from the presumption in favour of sustainable development.

CONCLUSION

The proposal represents the change of use and associated works to existing outbuildings, including alterations, partial demolition and partial rebuilding, to form a single self-build dwelling within the village. The design changes are modest and appropriate to the setting, and the development would not give rise to unacceptable impacts on neighbouring amenity, highway safety or the character of the area. The applicant has confirmed the removal of the north-facing gable window, addressing the concerns raised by the PCC and the Conservation Officer, and additional information submitted demonstrates that the east-facing ground-floor window would not result in harmful overlooking.

Ecological matters can be satisfactorily addressed through proportionate precautionary measures, controlled lighting and onsite biodiversity enhancements, with the scheme qualifying for the statutory self-build BNG exemption. Subject to the recommended conditions, the proposal is considered to comply with the relevant policies of the development plan.

Paragraph 89 of the NPPF encourages the reuse of previously developed land and supports development that is physically well related to existing settlements where it can be delivered sensitively and without unacceptable impacts. The proposal accords with this approach. The proposal is therefore acceptable, subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

RECOMMENDATION: APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. No development above slab level shall take place until details and samples of all external materials, including natural slate, brick, render and natural timber cladding, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

(Reason: To ensure that the materials are appropriate to the character and setting of the site, including the setting of the Grade I listed church, in accordance with Policies D1, EN8 and EN9 of the East Devon Local Plan).

4. Prior to the application of any brickwork or render, sample panels (minimum 1m x 1m) of the proposed brickwork and render, showing colour, texture, bond and finish, shall be constructed on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panels.

(Reason: To ensure high-quality external finishes that preserve the character of the area and the setting of designated heritage assets, in accordance with Policies D1, EN8 and EN9.)

5. All rooflights shall be of a conservation-type design, fitted flush with the plane of the roof covering, and shall be retained as such thereafter.

(Reason: To ensure an appropriate appearance within the setting of the Grade I listed church, in accordance with Policies D1, EN8 and EN9.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no windows, doors, rooflights or other openings shall be inserted in the north-facing elevation of the dwelling at any time.

(Reason: To protect the setting of the Grade I listed churchyard and to prevent any potential overlooking or light spill, in accordance with Policies D1, EN8 and EN9 of the East Devon Local Plan.)

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

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

8. The dwelling shall not be occupied until it has been connected to the existing foul sewer in accordance with details that have first been submitted to and approved in

writing by the Local Planning Authority. The approved details shall thereafter be retained.

(Reason: To ensure adequate foul drainage provision in accordance with Policy EN19 of the East Devon Local Plan.)

9. Construction works and deliveries shall take place only between:

- 08:00–18:00 Monday to Friday
- 08:00–13:00 Saturday and not at all on Sundays or Bank Holidays. No burning of materials shall take place on the site at any time.

(Reason: To protect the amenity of nearby residents during the construction phase, in accordance with Policy D1 of the East Devon Local Plan.)

10. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policies EN14 and EN16 of the East Devon Local Plan and the NPPF.)

11. Prior to occupation of the dwelling, at least one integrated biodiversity enhancement feature (such as a bat box, bird box or bee brick) shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The feature(s) shall thereafter be retained.

(Reason: To secure proportionate biodiversity enhancement in accordance with Policy EN5 of the East Devon Local Plan and the NPPF.)

12. Any external lighting shall be low-level, downward-facing and designed to minimise light spill. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained in accordance with the approved details.

(Reason: To protect biodiversity and the character of the area, in accordance with Policies D1 and EN5 of the East Devon Local Plan.)

13. The development shall be carried out in accordance with the recommendations set out in the Bat & Nesting Bird Survey Report (Lee Ecology, January 2026), including precautionary working methods, sensitive removal of roof materials, checks during dismantling, and cessation of works if bats or nesting birds are encountered. Works shall avoid the bird-nesting season (March–August inclusive) unless a pre-works check by a suitably qualified ecologist confirms the absence of active nests.

(Reason: To ensure that protected species are safeguarded during construction, in accordance with Policy EN5 of the East Devon Local Plan and the Wildlife and Countryside Act 1981 (as amended).)

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions, roof alterations, outbuildings or structures within Classes A, B, C or E of Schedule 2, Part 1 shall be constructed without a further grant of planning permission.

(Reason: To protect the character and appearance of the site and its relationship with the Grade I listed church, in accordance with Policies D1, EN8 and EN9.)

15. Prior to occupation, details of all hard and soft landscaping, including the fencing around the access steps, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented prior to occupation and retained thereafter.

(Reason: To ensure an appropriate appearance and to safeguard amenity, in accordance with Policy D1 of the East Devon Local Plan.)

16. The residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 Act:

i.) The first occupation of the unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;

ii.) The Council shall be notified of the persons who intend to take up first occupation of the unit in the development hereby permitted at least two months prior to first occupation.

(Reason: To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net-gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan).

17. No part of the dwelling hereby approved shall be occupied until details of secure, covered cycle storage for a minimum of two bicycles have been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be fully installed prior to first occupation and thereafter retained for its intended purpose.

(Reason: To ensure adequate provision for cycle parking in the interests of sustainable travel, in accordance with Policy TC9 of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

Plans relating to this application:

- LOCATION PLAN – Dated: 18/02/2026
- PROPOSED BLOCK PLAN – Ref: P1.0 REV C – Dated: 18/02/2026
- PROPOSED ELEVATIONS – Ref: P3.0 REV E – Dated: 24/04/2026
- PROPOSED GROUND/FIRST FLOOR PLANS – Ref: P2.0 REV E – Dated: 21/04/2026.

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

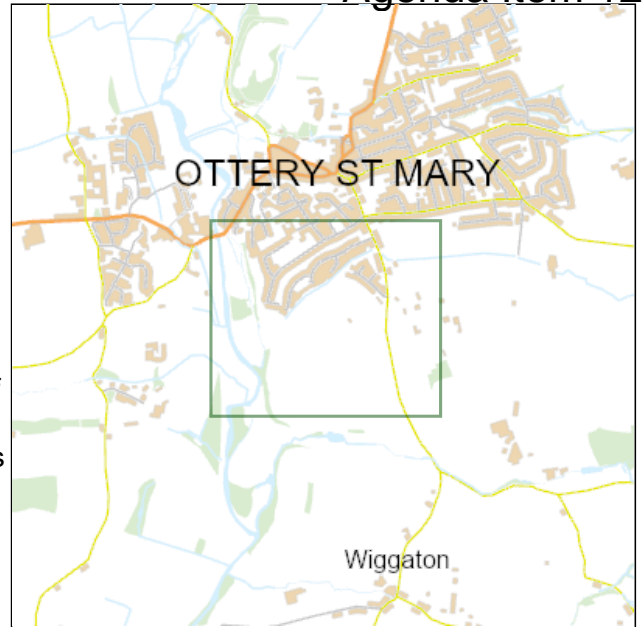
Ward Ottery St Mary

Reference 25/2468/MOUT

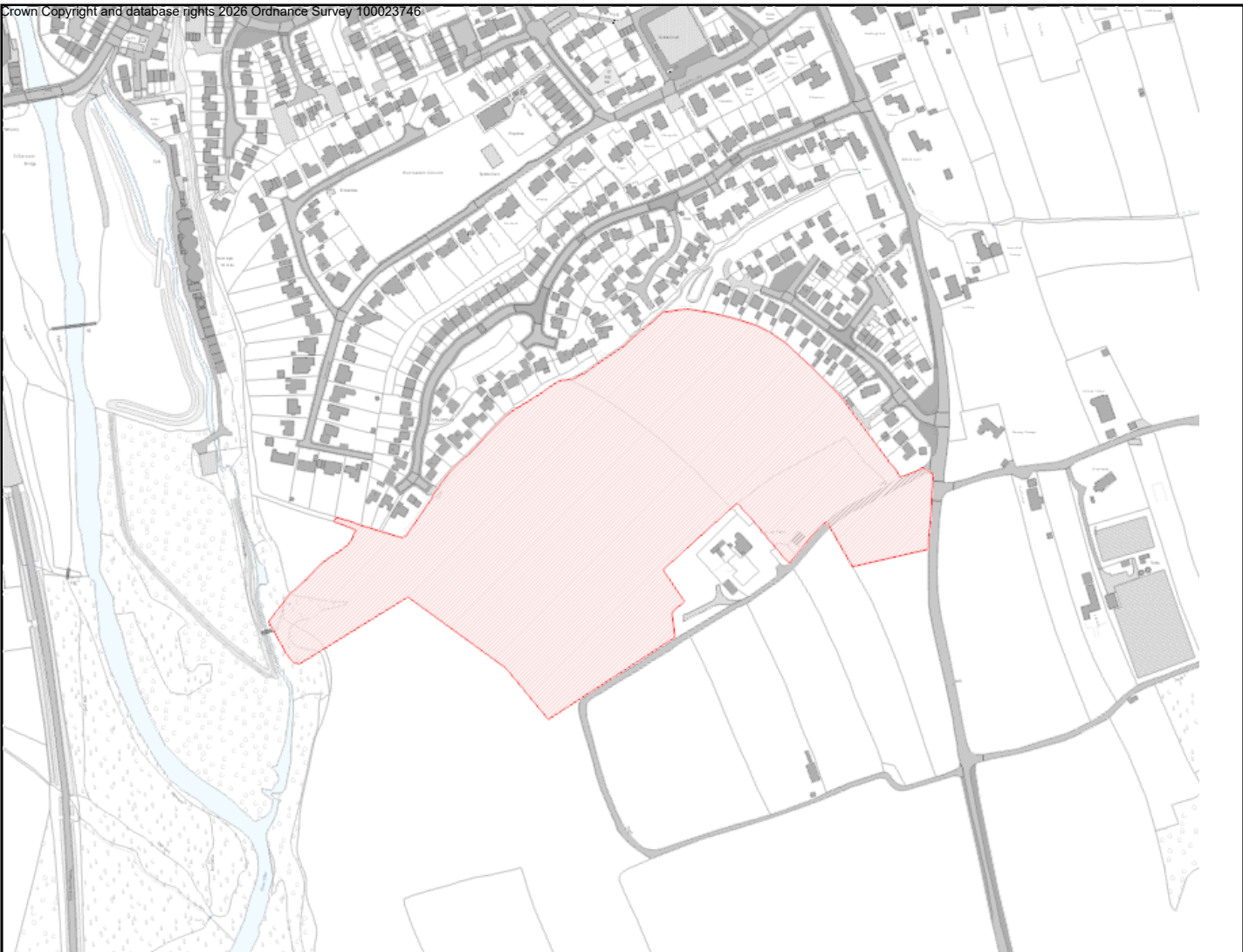
Applicant Landra Developments Ltd

Location Land Adjacent To Gerway Nurseries Gerway Close Ottery St Mary

Proposal Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.



RECOMMENDATION: Approval with conditions, subject to the completion of a s106 and adoption of an Appropriate Assessment



		Committee Date: 12.05.2026
Ottery St Mary (Ottery St Mary)	25/2468/MOUT	Target Date: 03.03.2026
Applicant:	Landra Developments Ltd	
Location:	Land Adjacent To Gerway Nurseries Gerway Close	
Proposal:	Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.	

RECOMMENDATION: Approval with conditions, subject to the completion of a s106 and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Local Plan and a contrary view has been expressed by the Ward Member and Parish Council.

The proposal seeks outline planning permission for up to 140 dwellings on around 7 hectares of agricultural land on the southern edge of Ottery St Mary. The site lies outside the Built-Up Area Boundary and is largely Grade 2 and 3a Best and Most Versatile agricultural land. All matters are reserved except access from Sidmouth Road.

The Council is currently unable to demonstrate a five-year housing land supply, with provision standing at 3.5 years against an annual requirement of 1,168 dwellings. As a result, the tilted balance in paragraph 11(d) of the NPPF applies, creating a strong presumption in favour of development unless the adverse impacts would significantly and demonstrably outweigh the benefits. Part of the eastern section of the site, approximately 2.37 hectares, is identified as draft allocation Otry_21 in the emerging Local Plan for around 70 dwellings, whereas the current proposal extends over a wider area at double that scale. The western part of the site was previously rejected through the Council's site selection process due to landscape and countryside impacts. The emerging Local Plan is at Regulation 19 stage and therefore attracts limited weight. The proposal also conflicts with the Ottery St Mary Neighbourhood Plan, although its age means that conflict alone cannot outweigh the benefits of housing delivery.

The scheme would deliver up to 140 new homes, including 56 affordable dwellings, in our district which has a significant housing shortfall. This represents a substantial social benefit. Additional benefits include short-term construction employment and economic activity, along with secured contributions toward sustainable transport, public rights of way enhancements, ecological mitigation and archaeological investigation. The Lead Local Flood Authority does not object to the drainage strategy.

The main concerns relate to the scale of development extending beyond land identified as suitable in the site assessment, particularly into areas previously rejected for landscape reasons. The Council's Landscape Architect maintains a holding objection, citing the extent of western expansion and limited pedestrian and cycle connectivity to the town centre. Officers have identified failure of the sequential test, although recent case law indicates this is not determinative and can be weighed in the planning balance. The absence of employment land, contrary to Strategy 31, carries reduced weight in light of recent permissions elsewhere, and the proposal would result in the loss of Best and Most Versatile Agricultural Land. A total of 588 objections have been received at the time of writing, focused mainly on traffic, wastewater capacity, landscape impact, density and infrastructure pressure.

Technical consultees raise no objections subject to conditions, with Devon County Council Highways satisfied on access and network capacity, South West Water and the Environment Agency content subject to safeguards, ecological impacts capable of mitigation, and heritage concerns resolved following submission of an agreed Written Scheme of Investigation.

Overall, the planning balance is finely balanced, but in light of the severe housing land supply shortfall and the substantial benefits of delivering 140 homes, including a significant proportion of affordable housing, the identified harms are not considered to significantly and demonstrably outweigh those benefits when assessed against the NPPF as a whole. A resolution of approval is therefore recommended, subject to completion of a Section 106 agreement and adoption of an Appropriate Assessment, with detailed matters to be addressed at reserved matters stage.

CONSULTATIONS

Local Consultations

Ward Member: Councillor Vicky Johns (Ottery St Mary)

I object to this application for the below reasons;

1. The site lies outside the built up area boundaries and so sits within open countryside.

The land is Grade 2 and 3a agricultural land, which should be protected not built over, once built over the land is lost for good.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this case, no such considerations exist.

The proposal is in direct conflict with:

- * The National Planning Policy Framework (NPPF);
- * The adopted East Devon Local Plan 2013–2031;
- * The Ottery St Mary Neighbourhood Plan 2017–2031.

I'm aware the above plans are towards the end of their dates but they still carry clout and due to the amount of work and time that goes into these plans they should not be ignored or overridden.

2. Unsustainable Location and Transport Harm

The proposed development can only be accessed via Sidmouth Road, which is an unclassified and route already subject to excessive traffic volumes, speeding, congestion, and highway safety issues, particularly at Tip Hill, Longdogs Lane and Winters Lane.

The application fails to demonstrate:

- * Safe and suitable access in accordance with NPPF paragraphs 115–116;
- * That residual cumulative impacts on the road network would not be severe;
- * Any realistic or deliverable modal shift away from private car use.

The assumption that if these houses were built the residents would walk and use local transport can not be upheld due to the fact that the access to this area is already highly congested, particularly during school runs. Having used this road myself on a weekly basis I'm aware of how narrow it is, without the possibility of widening it for pedestrian footway, at the top of the road is a four way cross way with a narrow turning to the right to the locals primary school. Additional housing at this site would cause even more congestion at peak times.

3. Inadequate Infrastructure and Sewerage Capacity

The proposal is fundamentally constrained by infrastructure deficits that the application fails to resolve.

The East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage and Wastewater Management Plan confirm:

- * No capacity for residential growth in Ottery St Mary without major upgrades;
- * That Fluxton WwTW and associated pumping stations are already operating at or above capacity;
- * That storm overflows serving the site significantly exceed permitted spill rates.

The proposal would worsen nutrient loading, pollution, and flood risk within the River Otter catchment, contrary to Local Plan policies EN18, EN19, AR02 and the Habitats Regulations.

A Grampian condition would be inappropriate where there is no certainty that capacity will be delivered within the lifetime of any permission.

Varies councils are refusing development unless the developers and water authorities can show they have the means and willingness to update the sewage systems, SWW have already stated they don't intend to do any upgrades in the Ottery area for the time being.

4. Flood Risk, Drainage and Water Pollution

The site drains directly toward the River Otter via infiltration and overland flow. The application fails to adequately address:

- * Future flood risk under climate change scenarios;
- * Cumulative impacts on downstream flooding;
- * Pollution from surface water runoff entering a failing river system.

Development in this location would increase flood risk elsewhere and harm water quality, contrary to NPPF paragraphs 170–174 and Local Plan policies EN22 and AR02.

5. Landscape, Heritage and Countryside Harm

The development would cause unacceptable harm to:

- * Valued rural landscape character;
- * Protected views from the Scheduled Monument at Belbury Castle;
- * The setting and identity of Ottery St Mary;
- * The open countryside protected by both Local Plan and Neighbourhood Plan policy.

The Landscape and Visual Impact Assessment is flawed, relies on unagreed viewpoints, and understates the magnitude of visual harm, particularly from the eastern boundary and wider Otter Valley. EDDC has called a climate emergency so I don't see how building on prime green fields is assisting in this, once the land is built over that is it.

6. Biodiversity, Ecology and Habitats

The application fails to adequately assess and mitigate impacts on:

- * Protected bat species and flight corridors;
- * Beaver activity within close proximity to the site;
- * Birds of prey and other priority species;
- * Species-rich hedgerows and mature trees.

The proposal offers only the national minimum 10% Biodiversity Net Gain, contrary to East Devon's stated 20% ambition, and fails to demonstrate that ecological harm can be avoided or adequately mitigated.

7. Density, Amenity and Residential Harm

At approximately 38 dwellings per hectare, the proposal is wholly out of character with surrounding development (approximately 23 dph). The scale and density would result in:

- * Loss of privacy and overlooking;
- * Visual dominance over neighbouring homes;
- * Failure to respect local character and settlement pattern.

8. Lack of Housing Need and Community Support

There is no demonstrated local housing need that requires development in this location. Ottery St Mary has already accommodated significant growth and lacks the infrastructure to support further expansion.

Community engagement has been superficial, and the application fails to respond meaningfully to infrastructure, traffic, education, healthcare, and environmental concerns raised by residents. In fact EDDC own reports, on other sites, have reflected the need for more affordable smaller houses in Ottery not more large scale development for larger properties which cannot be afforded or are not required by residents.

Conclusion

The proposed development at Gerway Farm represents unsustainable development in the wrong location, forcing vehicles to access Ottery through narrow roads and through the town itself. Builders vehicles would also have to access the site via the town, as the other way is even narrower causing congestion in an already busy town. It conflicts with the adopted development plan, exacerbates existing infrastructure and environmental failures, and would result in serious and irreversible harm to landscape, ecology, water quality, highway safety, and residential amenity.

The UK planning concept from the NPPF that shifts the default to approving development when a local authority's plans are out-of-date or they lack a 5-year housing supply, meaning permission should be granted unless adverse impacts significantly and demonstrably outweigh the benefits, tilting the scales towards development approval. When assessed against the development plan and the NPPF as a whole, the adverse impacts of this proposal significantly and demonstrably outweigh any purported benefits.

I understand development needs to happen but it should be the right homes in the right area and not just homes forced into an area which is neither appropriate or acceptable. I feel this application should be refused on all of the above reasons but also on over-intensification of Ottery St Mary, harm to its character and protection of distinctive open character of that site. These are my views with the information I have in front of me and I retain the right to change my view if further information comes to light.

Devon County Councillor for the Otter Valley - Cllr J Bailey — Objection

As the Devon County Councillor for the Otter Valley, I wish to register my very strong OBJECTION to application 25/2468/MOUT, which seeks outline permission for up to 140 houses at Gerway Farm, Sidmouth Road, Ottery St Mary.

My objection is based on the following grounds:

1. Unsafe and unsuitable access, with severe residual impacts on highway safety
2. Adverse impacts on Public Rights of Way
3. Insufficient assessment of ecological impacts and protected species
4. Inadequate arboricultural information and unjustified harm to trees
5. Failure to adequately address flood risk and drainage
6. A fragmented, siloed approach which fails to assess cumulative and interrelated impacts

1. Unsafe and unsuitable access and severe highway safety impacts

The proposed vehicular access raises serious and unresolved highway safety concerns. The access is proposed onto Sidmouth Road at a point subject to the national speed limit, reducing to 20mph to the north of the junction. Despite this, the access design relies on Manual for Streets visibility standards appropriate to a 30mph environment. The Transport Assessment does not demonstrate how vehicle speeds would be reliably or permanently reduced at the access point, creating an unacceptable risk to highway safety.

I am concerned that the speed survey data records 85th percentile speeds in excess of 34mph, yet stopping sight distances are not tested for higher-end speeds or adverse conditions such as wet weather or low light.

The development would generate over 50 vehicle movements in each peak hour, yet relies on a simple priority junction and the assessment focuses on theoretical capacity rather than turning conflicts, queuing or collision risk.

Pedestrian safety is also inadequately addressed and is a major concern for me as the Devon County Councillor. The Transport Assessment states at para 2.2.10 a public right of way footpath connects the site to Sidmouth Road a short distance south of Gerway Close, with onward footways to Sidmouth Road. It makes no reference to the provision of additional footway. Within the very same Transport Assessment at para 3.2.3 it is claimed that it is intended to provide a new footway within the verge on the western part of Sidmouth Road. However, no plans have been submitted. Also, pedestrian safety via the proposed new access to the south has not been addressed.

In addition, the Transport Assessment identifies a 55-metre section of Longdogs Lane with no footway on a primary school route and footways on Tip Hill that fall well below accepted minimum widths. Despite this, mitigation is deferred. This is

completely unacceptable given the expected increase in the numbers of school-age children. Devon County Council estimate in their consultation response on 9th January that the increase in pupil numbers arising from the development to be 35 primary school children and 21 secondary school children.

Reliance on future bus service enhancements is aspirational rather than secured, and there does not appear to be a Construction Traffic Management Plan submitted as part of the application.

2. Public Rights of Way

The site is crossed by and connected to public rights of way. These routes are relied upon by the Applicant to demonstrate accessibility, yet their capacity, safety and amenity under intensified use are not assessed.

The public rights of way provide an invaluable recreational amenity and their character is consistent with those of rural footpaths - being steep and muddy. They are not however suitable for providing daily access to the Kings School and the hospital as the Applicant claims.

I am also concerned that the very substantial quantum of residential development will cause significant harm to the rural nature and ambience of the footpaths.

3. Ecology

The Ecological Assessment confirms extensive bat activity, including European Protected Species, and identifies the importance of hedgerows and woodland edges linking to the River Otter corridor.

However, impacts are downplayed and mitigation is deferred to later stages. The likely presence of Dormouse and potential licensing requirements are acknowledged without demonstrating deliverability. Claims of Biodiversity Net Gain rely on future layouts and management arrangements that are not secured.

4. Trees and arboriculture

It is shocking to me that there has been so little arboricultural information submitted particularly given the scale of the development.

The arboricultural information is limited to a tree survey schedule and tree impacts plan. It is completely unacceptable that an Arboricultural Impact Assessment has been submitted in accordance with BS5837:2012. Impacts on Category A and B trees and hedgerows are not justified, and incursions into root protection areas are not assessed in terms of severity or long-term viability. These issues cannot reasonably be left to reserved matters.

5. Flood risk and drainage

The Flood Risk Assessment confirms that parts of the site lie within Flood Zones 2 and 3. While housing is proposed within Flood Zone 1, higher-risk areas are relied upon for flood storage and attenuation without robust evidence that floodplain function would be preserved. The Sequential Test is asserted rather than demonstrated, and the drainage strategy relies heavily on infiltration despite acknowledged uncertainty. Key elements are deferred to later stages which is unacceptable.

6. Fragmented and siloed assessment

A consistent concern that I have is that highways, PRow, ecology, trees and flood risk are treated in isolation. Their interaction and cumulative effects are not assessed, and mitigation is repeatedly deferred despite access and site constraints being fixed. This fragmented approach prevents a clear understanding of whether the development would function safely or sustainably as a whole.

CONCLUSION

For the reasons set out above I am strongly of the view that this application should be REFUSED.

Ottery St Mary Town Council

Five members of public spoke to object. One represented the Gerway Farm Action Group and one represented National Landscapes. They raised concerns around a large number of areas to include access, traffic arrangements, noise and visual impact, loss of agricultural land, risk of flood, concerns regarding waste water management.

Town Council comments;

The Town Council strongly object to this proposal, which represents the wrong development in the wrong location.

The development would create significant highway and pedestrian safety concerns. Substantial infrastructure improvements would be required to make the site safely accessible.

The proposed pedestrian access is unrealistic; residents are likely to walk along the existing largely unpaved and unsuitable road, creating safety risks. The majority of traffic is expected to travel towards Exeter and Honiton, increasing congestion by routing additional vehicles through the already busy town centre.

The site lies outside the Built Up Area Boundary, within open countryside, making it an unsustainable location. This is in contradiction to the Neighbourhood Plan.

The site is approximately 4 miles from the nearest railway station, resulting in heavy reliance on private car use. Access to the station is again through the town centre.

There is a lack of supporting infrastructure to accommodate a development of this scale.

Fluxton Sewage Works is believed to be operating at capacity, and no adequate solution has been demonstrated to manage additional wastewater.

Phosphate levels in the catchment area are already high, with insufficient mitigation proposed.

The development would lead to the permanent loss of valuable agricultural land.

The type and mix of housing are currently unknown, preventing assessment of whether the proposal meets the town's housing needs.

The proposal conflicts with the National Planning Policy Framework and relevant local planning policies.

Access to the nearest arterial road, the A30 dual carriageway at Daisymount, being nearly 3 miles away and again through the town.

Technical Consultations

Devon County Archaeologist (DCC Historic Environment Team)

(Ref: ARCH/DM/ED/42171a — initial response)

The Devon County Archaeologist objects to the application on archaeological grounds, noting that the proposed development site lies within a landscape with documented prehistoric settlement and funerary activity. The geophysical survey submitted with the application identified numerous anomalies likely to represent a Romano-British farmstead within a ditched enclosure, associated field boundaries, and possible prehistoric funerary features. However, without intrusive archaeological field evaluation, the information submitted is insufficient to enable an understanding of the significance of the heritage assets or the impact of the development upon them.

In the absence of this information, the response recommends refusal unless a programme of intrusive evaluation is undertaken, sampling at least 3% of the area affected by the development and testing all geophysical anomalies as well as apparently blank areas. The results should enable an informed planning decision to be made in accordance with Local Plan Policies EN7 and EN8 and paragraphs 207 and 208 of the NPPF (2024). The Historic Environment Team advises it can provide guidance on the required scope of work and details of contractors.

DCC Historic Environment Officer (Updated Response)

(Ref: ARCH/DM/ED/42171c — post March 2026, following submission of WSI)

Following submission of the Written Scheme of Investigation (WSI) prepared by Isca Archaeology (ref: R01-0132-4 V 1.2, dated 13 March 2026), the Historic Environment Officer confirms that the WSI is acceptable as a methodology for understanding the significance of archaeological heritage assets within the application area. Subject to formal submission of the WSI to the LPA, the Historic Environment Team withdraws its previous objection and instead recommends two conditions be attached to any consent.

The first condition (Archaeological Condition 1) requires that the development be carried out at all times in accordance with the approved WSI, to ensure an appropriate record is made of any archaeological evidence affected by the development in accordance with Local Plan Policy EN6 and paragraph 218 of the NPPF (2024). The second condition (Archaeological Condition 2) requires that the development not be occupied until post-investigation assessment has been completed in accordance with the WSI and that provision for analysis, publication, dissemination and archive deposition has been confirmed in writing. This is to

comply with paragraph 218 of the NPPF (2024), which requires the developer to record and advance understanding of the significance of heritage assets and to ensure information becomes publicly accessible.

Devon County Council — Education

Date: 9 January 2026

Devon County Council's Education Department has assessed the application against its Education Infrastructure Plan 2016–2033. A development of 140 family-type dwellings is forecast to generate approximately 35 additional primary pupils and 21 secondary pupils. Taking into account approved but unimplemented housing developments and outstanding local plan allocations, DCC has identified sufficient spare primary and secondary school capacity to accommodate the pupil numbers expected from this development. On that basis, no financial contribution towards primary or secondary education will be sought in connection with this development.

South West Water

Preliminary response; full response ref VV14/01/26 (14 January 2026)

South West Water submitted two responses. The first, a brief preliminary note, advised that modelling was required to assess whether the clean water network could accommodate the proposal and that a full response would follow once modelling had been reviewed.

The full consultation response raises no objection in principle subject to compliance with several requirements. On asset protection, no development will be permitted within 3.5 metres of an existing 9-inch public water main in the vicinity of the site; any encroachment would require diversion at the applicant's expense. On surface water, South West Water confirms that the proposed method of discharge into the ground via infiltration is acceptable and meets the Run-off Destination Hierarchy, and that the proposed outline drainage strategy is appropriate. The response also advises that clean potable water and foul sewerage services can be provided from existing public mains and sewers in the vicinity, with points of connection to be determined.

South West Water strongly recommends a condition requiring water efficiency measures meeting the optional Building Regulations standard of 110 litres per person per day (G2), given above-average per capita consumption in the South West and increasing climate-related stress on water resources. The response also confirms that highway drainage must not be discharged to South West Water's foul or combined sewer network, and that the applicant should liaise separately with the Highway Authority on this matter.

Devon County Council — Flood Risk Management Team (Lead Local Flood Authority)

The Lead Local Flood Authority (LLFA) has reviewed the outline planning application. Following the submission of additional drainage information by the applicant, including a revised Flood Risk Assessment and Drainage Strategy (April 2026) and an alternative outline drainage strategy, the LLFA has withdrawn its previous objection and raises no in-principle objection to the development at this stage.

The revised proposals include surface water management via attenuation or infiltration basins, with discharge restricted to greenfield run-off rates, and demonstrate an acceptable strategic approach to managing surface water flood risk, subject to further detailed design.

The LLFA recommends that any planning permission is subject to pre-commencement and pre-occupation conditions requiring the approval and implementation of detailed surface water drainage arrangements.

Overall, subject to the imposition of the recommended conditions, the LLFA is satisfied that the proposed development can be delivered without increasing flood risk on site or elsewhere, in accordance with national policy and the SuDS for Devon Guidance.

Environment Agency

(Ref: DC/2025/125242/01-L01)

The Environment Agency raises no objection to the proposed development subject to the inclusion of a condition restricting the raising of ground levels within published Flood Zones 3 and 2 (including climate change allowances) associated with the watercourse at the northern boundary of the site. This condition is required to safeguard the natural function of the watercourse to store and convey floodwaters. The Agency notes that the submitted flood risk assessment and illustrative masterplan demonstrate a sequential approach to layout consistent with NPPF policy, with all built development proposed within Flood Zone 1 and the areas of Flood Zones 2 and 3 within the site allocated for public open space, which is considered a compatible use.

The Agency also advises that before determination, the LPA will need to be satisfied that the Sequential Test has been passed unless a site-specific flood risk assessment can demonstrate that no built development within the site boundary would be at risk of flooding now or in the future, in accordance with paragraph 175 of the NPPF (December 2024). The Agency notes that it has commented as though the application is not EIA development, given an undecided EIA Screening Opinion at the time of response, and requests re-consultation if the Screening Opinion determines that EIA development is involved. The sequential approach to layout must be adhered to in any subsequent reserved matters applications.

Devon County Council — Public Rights of Way Officer

The DCC Public Rights of Way (PRoW) Officer notes that the existing PRoW network within the development site is not proposed to be altered and that, as a result, the team's comments are limited in scope. The principal concern raised is that the significant increase in footfall on existing footpaths, particularly those heading towards the town, will lead to damage and erosion of unsurfaced paths during wet periods. The paths are currently well-used and already susceptible to becoming muddy and slippery. The PRoW Officer indicates a wish to engage in discussion with the applicant about the possibility of providing suitable surfacing on footpaths where this would be required to address the increased usage arising from the development.

EDDC Tree Officer

The EDDC Tree Officer raises no objection in principle but makes two specific comments on the relationship between the proposed layout and trees on site. Given that the site has relatively few tree constraints, the officer considers it all the more important that those trees which are present are given appropriate protection during design and construction. The first concern is the proximity of the proposed access road to T1 Oak, a relatively small tree with significant future growth potential; the officer requests a greater separation distance, noting that the access road could easily be repositioned to the west to allow the oak to become a feature of the development rather than simply an incidental roadside tree. The second concern relates to T2 Ash, where the officer states that there is no justification for any excavation to take place within the root protection area (RPA), which should be treated as sacrosanct on a site of this size.

Subject to minor modifications to accommodate both points, the Tree Officer confirms there would be no objection to the proposal. The officer welcomes the good opportunity the site presents for significant new tree planting within the streetscene and public open space, with an emphasis on large canopy species to maximise future amenity and ecological value.

EDDC Environmental Health

Environmental Health raises no objection subject to a pre-commencement condition requiring the submission and approval of a Construction and Environment Management Plan (CEMP). The CEMP must cover air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements. All equipment, plant and processes must be operated in compliance with the approved CEMP throughout the development. The condition also specifies construction working hours of 8am–6pm Monday to Friday and 8am–1pm on Saturdays, with no working on Sundays or Bank Holidays, no burning on site, and no use of high-frequency audible reversing alarms. The purpose of the condition is to protect the amenity of existing and future residents from noise, air, water and light pollution.

Royal Devon University Healthcare NHS Foundation Trust (RDUH)

The Royal Devon University Healthcare NHS Foundation Trust (the Trust) has reviewed the application and requests a Section 106 financial contribution of £44,600 towards healthcare provision. The Trust sets out that it is currently operating at full capacity across acute, community and planned healthcare, and that the funding model for NHS services is based on the previous year's activity, making it impossible to factor in anticipated increases from new housing developments in contract negotiations with commissioners. The Trust argues that, without the requested contribution, longer waiting times will result for all patients, contrary to the sustainability principles embedded in both the NPPF and the East Devon Local Plan (Strategies 3 and 4).

The Trust has assessed the contribution against the three CIL Regulation 122 tests (necessary, directly related to the development, and fairly and reasonably related in scale and kind) and considers it to be compliant. Reference is made to a recent appeal decision (APP/Y1110/W/21/3270745, Ikea Way, Exeter) where a Planning Inspector confirmed that NHS contributions can meet the CIL tests. The Trust requests acknowledgement of the contribution request and confirmation that it will form part of any Section 106 agreement.

Devon County Council — Waste Planning Authority

The Waste Planning Authority advises that, in accordance with paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan, major development proposals must be accompanied by a Waste Audit Statement. The response notes the slightly sloping topography of the site (to the north) and emphasises the need to consider on-site reuse of inert material to minimise waste generation and the need to export material off-site. It is recommended that these principles are considered when finalising the site layout, design and levels.

The Waste Planning Authority recommends a pre-commencement condition requiring submission and approval of a Waste Audit Statement. The Statement must address measures to avoid waste, demonstrate compliance with the waste hierarchy, quantify construction and excavation waste by material type, set targets for reuse, recycling and recovery including a monitoring scheme, and identify waste disposal methods and locations with justification. The reason given is to minimise waste and promote sustainable waste management in accordance with Policy W4 of the Devon Waste Plan.

EDDC Housing Strategy and Enabling Officer

The Housing Enabling Officer raises no objection but sets out the policy requirements that will apply to any consent. Under Local Plan Strategy 34, the site falls partly within a proposed draft allocation (Otry_21, 70 dwellings at 30% affordable housing) and partly outside the settlement boundary (a further 70 dwellings requiring 50% affordable housing). On a blended basis, the applicant proposes 40% affordable housing equating to approximately 56 affordable units, which the Housing Enabling Team accepts as compliant with emerging policy requirements, assuming delivery under the draft allocation. The detailed tenure and size mix will be determined at Reserved Matters stage in response to current local housing need, subject to the 70/30 rented-to-ownership split required by Strategy 34.

The response identifies a number of requirements to be secured by condition or legal agreement: affordable units must be tenure-blind and evenly dispersed in clusters of no more than 10 dwellings; all affordable units must meet M4(2) accessibility standards; Electric Vehicle Charging Points or infrastructure must be provided for each affordable unit; and parking courts are not considered suitable for affordable dwellings other than flatted development. Design quality must ensure affordable units are visually indistinguishable from open market housing.

Police Architectural Liaison Officer (Designing Out Crime Officer)

The Police Designing Out Crime Officer raises no objection but provides detailed design guidance for consideration at the reserved matters stage, based on the

principles of Crime Prevention Through Environmental Design (CPTED). The response notes that the current masterplan is illustrative only but requests that crime prevention principles be embedded in the detailed design. Key recommendations include: that the Design and Access Statement should reference CPTED; that the layout should provide active frontages and overlooking of all internal streets while avoiding accessible rear space; that adequate defensible space is created to front gardens through low-level boundary treatments; and that side and rear boundaries should be a minimum 1.8m in height with lockable rear access gates.

On movement and parking, the officer recommends that pedestrian routes be clearly defined, wide, well-lit and well-overlooked, with planting set back from paths to avoid pinch points or concealment opportunities. Vehicle parking in locked garages or in-curtilage hardstandings is preferred; rear parking courts are specifically discouraged given the limited surveillance they offer. Formal play areas should be afforded natural surveillance from nearby dwellings, have appropriate boundary treatments to prevent unauthorised vehicular access, and should not be positioned immediately adjacent to individual properties. Public open space should similarly be protected from unauthorised vehicular access.

EDDC Policy Team

The EDDC Policy Officer provides contextual background on the relationship between the application site and the emerging Local Plan, noting that the wider site (GH/ED/29 in the HELAA, 19.32ha) was assessed as having potential capacity for up to 200 dwellings. Only part of that site — now identified as Otry_21 — has been proposed as a draft allocation for 70 dwellings, and is currently subject to a second Regulation 19 consultation. The Policy team welcomes the submission of an application that covers both the allocated and non-allocated parts of the site as a single scheme rather than separate or phased developments.

While raising no in-principle objection to 140 dwellings subject to all relevant constraints and requirements being satisfactorily accommodated, the Policy response identifies two substantive concerns. First, there is a lack of safe pedestrian and cycle routes into Ottery St Mary; the proposed pedestrian connection through Claremont Field passes through an area known to flood, and no safe cycle routes are proposed. Second, and more significantly, the Policy Officer notes that Ottery St Mary has a demonstrable lack of employment land — being the only Tier 1 or 2 settlement to have effectively lost its allocated employment site — and that a scheme of 140 dwellings should include approximately 0.5–0.75ha of employment land as an integral component of a mixed-use scheme, preferably in the form of serviced plots or built units to buy or rent for small to medium businesses. This requirement is consistent with the approach taken on comparable allocations across the district.

Devon County Council — County Highway Authority

Ref: ED-02468-2025

The County Highway Authority raises no objection to the proposed development. Following a site visit and review of application documents, the Highway Authority is satisfied that the proposed vehicular access has been improved under a previous

planning consent (22/2667/FUL) with acceptable visibility splays of 2.4m by 43m in both directions, consistent with Manual for Streets 1 and 2 guidance for a 30mph environment. TRICS-based trip generation data, combined with future vehicle trip inflation and movements from nearby permitted developments, has been used to test nearby junction capacity, and the Highway Authority is satisfied that the expected peak-hour generation of approximately 55 movements, around one per minute, will not give rise to a highway safety or severity objection under the NPPF, particularly given the requirement for a comprehensive Travel Plan to encourage sustainable travel.

The Highway Authority confirms there have been no recorded collisions at the proposed access point over the past five years (January 2020 to December 2024), with only one slight accident in the wider area. Two pedestrian access options are identified: a route following the existing public right of way between Gerway Farm and Sidmouth Road with a new pedestrian construction in the verge linking to Gerway Close, and a western option using the existing PRow at Claremont Field. As the application is for outline consent only, the Highway Authority reserves detailed comments on the internal site layout for the reserved matters stage.

EDDC Ecologist

East Devon District Council's Ecology Officer has reviewed the submitted ecological information against adopted policy, guidance and best practice, noting some limitations and omissions within the ecological appraisal and Biodiversity Net Gain (BNG) documentation. Notwithstanding these matters, it is concluded that, subject to amendments and the imposition of appropriate planning conditions and obligations, the proposal raises **no objection on ecological grounds**.

The site supports and has the potential to support several protected and notable species, including hazel dormouse, reptiles and a wide assemblage of bat species, including Annex II species such as greater and lesser horseshoe bats and barbastelle. Dormice are confirmed to be present on site and hedgerow removal associated with access works will require a Natural England European Protected Species Licence, supported by a detailed mitigation strategy secured by condition. Reptile surveys indicate the presence of slow worms and grass snakes, although survey limitations mean populations may be underestimated, necessitating a detailed reptile mitigation strategy. Bat activity surveys demonstrate significant use of the site, particularly during the maternity period, highlighting the importance of maintaining habitat connectivity and dark corridors.

Particular emphasis is placed on the need to retain, enhance and reinstate key landscape features, including the historic east–west hedge bank and boundary hedgerows, to maintain ecological connectivity. The Ecology Officer requires the provision of dark corridors for bats in accordance with Devon County Council guidance, including buffers along site boundaries, around Gerway Farm, and along the central historic hedge. A detailed Lighting Impact Assessment is required as a pre-commencement condition to ensure that internal and external lighting does not adversely affect light-sensitive bat species or compromise habitat connectivity.

In relation to Biodiversity Net Gain, the submitted metric indicates the potential to achieve in excess of the mandatory 10% onsite, although concerns are raised regarding the baseline habitat data and the feasibility of achieving some proposed habitat conditions. Further information is required, including habitat condition assessments, photographs, UK Habitat Classification mapping and grassland surveys, to support a robust Habitat Management and Monitoring Plan (HMMP). The HMMP will be required to demonstrate how proposed ecological enhancements and BNG will be delivered, managed and monitored over the required 30-year period. A financial contribution towards BNG monitoring is also recommended to be secured via a planning obligation.

Overall, subject to securing a comprehensive suite of pre-commencement and pre-occupation conditions, including a Construction and Ecological Management Plan, species-specific mitigation strategies, lighting controls, and long-term habitat management, the development is considered capable of adequately mitigating impacts on protected species and delivering ecological enhancements in line with local and national policy. The Ecology Officer therefore raises **no objection**, subject to the recommended amendments, conditions and planning obligations being applied

EDDC Landscape Architect

While the site is not subject to any landscape designation and is relatively contained by existing development and landform, it occupies a sensitive transitional position between the town edge and open countryside. The response notes the site's visibility from nearby public rights of way and neighbouring housing, particularly Claremont Field and Gerway Close, and recognises that users of local footpaths currently experience strong rural views across the site.

The submitted Landscape and Visual Impact Assessment is generally considered to be thorough and broadly compliant with guidance, although several methodological shortcomings are identified. In particular, the assessment underestimates the susceptibility of walkers using nearby public footpaths, which should be classed as highly sensitive receptors. As a result, the landscape officer considers that the level of visual effect on users of footpaths, especially footpath 30, would be greater than stated in the LVIA, amounting to substantial adverse effects initially and remaining moderate to substantial in the longer term despite proposed planting. Nevertheless, it is accepted that effects on the wider landscape and on the National Landscape to the east and south would be limited and largely localised.

The response highlights significant concern about impacts on immediate visual receptors. Residents of Claremont Field and Gerway Close, along with users of footpaths passing through and alongside the site, are identified as experiencing substantial adverse visual effects, particularly in the early years of the development. Although the site benefits from some visual containment, the proposed layout is judged to push development too far westwards, eroding the rural character experienced from public rights of way and closing down views towards the National Landscape. The officer recommends setting back the western edge of built development by around 25 metres, accepting a reduction in dwellings in order to materially lessen visual harm and provide better-quality open space and landscape buffers.

Access and movement are a central area of objection. While the vehicular access itself reflects a previously approved scheme, the proposed pedestrian and cycle connections to the town centre are described as inadequate, indirect and unattractive. The response concludes that the routes put forward would not realistically encourage active travel for short journeys and would push future residents towards continued reliance on private cars, contrary to Local Plan policy. The lack of a safe and convenient walking and cycling connection along Sidmouth Road is particularly criticised, and alternative solutions are suggested, albeit noting that these may require third-party land agreements.

Overall, the development is acknowledged to have substantial adverse effects on the character of the site and its immediate setting, but these effects are considered localised and capable of mitigation if key issues are addressed. The proposal is not considered to harm the National Landscape or its setting. However, the response maintains a holding objection, primarily on the grounds of inadequate pedestrian and cycle connectivity to the town centre, and raises clear expectations that layout, buffering, planting, public open space management and green infrastructure matters must be significantly improved at reserved matters stage.

Finally, should permission be granted, the response recommends a comprehensive suite of planning conditions. These focus on securing detailed hard and soft landscape design, sensitive lighting, robust SuDS and soil management, long-term landscape and ecology management, protection of existing trees and hedgerows, and professional oversight of planting and maintenance. These measures are intended to ensure that, if the development proceeds, it delivers lasting landscape, ecological and amenity benefits and properly mitigates its inevitable visual impacts on nearby communities and countryside users.

Other Representations

At the time of writing 588 objections have been received and 5 representations have been received. In summary;

Objections

- Contrary to the local plan and neighbourhood plan – building outside development boundary.
- Contrary to the emerging local plan and site allocation.
- The development is unnecessary. Ottery has already provided a larger number of new houses than required.
- Ottery's original target of 497 new homes from 2010 has already been surpassed, with 594 having been built by 2023.
- Increased traffic movements on highway network.
- Insufficient visibility splay for identified speeds.
- Conflict of vehicle and pedestrian movements. Does not give priority to cyclist/pedestrians.
- Lack of a cycle network.
- Overlooking (of Claremont Fields).

- Harm to trees.
- Harm to wildlife/protected species.
- Disruption during construction phase.
- Poor connectivity to existing settlement and facilities – e.g. childrens walking route to school.
- Requires third party land to connect to highways.
- Density of development too high and over development of the site.
- Poor layout and design.
- Development takes place on a prominent ridge.
- No capacity in sewage network and pumping station. Existing pollution of water courses would be exacerbated.
- Would increase surface water runoff.
- Would pollute existing watercourses.
- Part of the site is within a floodzone and would therefore cause flooding.
- Increased pressures of local services and infrastructures (School, Dentist and Doctors etc).
- Loss of agricultural land.
- Harm to the National Landscape.
- Lacks employment and jobs to be self sustaining.
- Would increase crime rates.
- Cause pressure on unmanaged land on the northern boundary of the site.
- insufficient Archaeological assessment.
- Loss of biodiversity.
- Noise disturbance.
- Light Pollution.

Representation

- Inaccuracies in the submitted plans.
- Inaccuracies in the written scheme of Investigation.
- Challenge land ownership details.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2667/FUL	To create a better entrance to Gerway Farm forming visibility splays and providing a safe access onto the highway to either direction with large vehicles.	Approve	15.11.2023
25/2154/CPE	Certificate of existing lawfulness to confirm material start to planning permission 22/2667/FUL	Pending	

25/0017/EIA	Environmental Impact Screening Opinion: Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.	The development is NOT EIA development and that an Environmental Statement is not required.	24.04.2026
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 2 (Scale and Distribution of Residential Development)
 Strategy 3 (Sustainable Development)
 Strategy 4 (Balanced Communities)
 Strategy 5 (Environment)
 Strategy 5B (Sustainable Transport)
 Strategy 7 (Development in the Countryside)
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)
 Strategy 34 (District Wide Affordable Housing Provision Targets)
 Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
 Strategy 37 (Community Safety)
 Strategy 38 (Sustainable Design and Construction)
 Strategy 43 (Open Space Standards)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 48 (Local Distinctiveness in the Built Environment)
 Strategy 49 (The Historic Environment)
 Strategy 50 (Infrastructure Delivery)
 D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)
 EN5 (Wildlife Habitats and Features)
 EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
 EN13 (Development on High Quality Agricultural Land)
 EN18 (Maintenance of Water Quality and Quantity)
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Neighbourhood Plans

On the 11 July 2018, Cabinet resolved to 'make' the Ottery St Mary and West Hill Neighbourhood Plan so that it forms part of the Development Plan for East Devon alongside the adopted East Devon Local Plan 2013-2031, and the Devon Minerals and Waste Plan. The date of 'making' the Plan is 19 July 2018. This was following the successful referendum on 21 June 2018, where 91.6% of residents who voted were in favour of adopting the Plan.

Policy NP1: Development in the Countryside
Policy NP2: Sensitive, High Quality
Policy NP4: Settlement Containment
Policy NP6: Valued Views
Policy NP9: Accessible Developments
Policy NP12: Appropriate Housing Mix
Policy NP13: Accessible and Adaptable Homes

Emerging East Devon Local Plan

CHAPTER 3. THE SPATIAL STRATEGY

Strategic Policy SP01: Spatial strategy
Strategic Policy SP02: Levels of future housing development
Strategic Policy SP03: Housing requirement by Designated Neighbourhood Area
Strategic Policy SP05: Development inside Settlement Boundaries
Strategic Policy SP06: Development beyond Settlement Boundaries

CHAPTER 6. MITIGATING CLIMATE CHANGE

Strategic Policy CC01: Climate emergency
Strategic Policy CC02: Moving toward Net-zero carbon development
Strategic Policy CC03: Promoting low carbon and renewable energy

CHAPTER 7. ADAPTING TO CLIMATE CHANGE

Strategic Policy AR01: Flooding
Strategic Policy AR02: Water efficiency

CHAPTER 8. MEETING HOUSING NEEDS

Strategic Policy HN01: Housing to address needs
Strategic Policy HN02: Affordable housing
Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing
Policy HN05: Self-build and custom build housing

CHAPTER 9. SUPPORTING THE ECONOMY AND TOWN CENTRES

Strategic Policy SE04: Resisting the loss of employment sites
Strategic Policy SE06: Town Centre Hierarchy

CHAPTER 10. HIGH QUALITY DESIGN

Strategic Policy DS01: Design and local distinctiveness
Policy DS02: Housing density and efficient use of land

CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS

Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport
Strategic Policy TR02: Protecting transport sites and routes
Policy TR03: Travel plans, transport statements and transport assessments
Policy TR04: Parking standards

CHAPTER 12. OUR OUTSTANDING LANDSCAPE

Strategic Policy OL01: Landscape features
Policy OL09: Control of pollution
Policy OL10: Development on high quality agricultural land

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Strategic Policy PB01: Protection of internationally and nationally important wildlife sites
Policy PB02: Protection of regionally and locally important wildlife sites
Policy PB03: Protection of irreplaceable habitats and important features
Strategic Policy PB04: Habitats Regulations Assessment
Strategic Policy PB05: Biodiversity Net Gain
Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network
Policy PB07: Ecological enhancement and biodiversity in the built environment
Policy PB08: Tree, hedges and woodland on development sites
Policy PB09: Monitoring requirements for new planting schemes

CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION

Strategic Policy OS01: Access to open space and recreation facilities
Policy OS02: Sport, recreation and open space provision in association with development
Policy OS03: Location of facilities for sport and recreation and open
Policy OS04: New allotments and avoiding the loss of existing ones
Policy OS05: Leisure and recreation developments in the countryside

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
National Planning Practice Guidance

Site Location and Description

The application site comprises approximately 7 hectares of agricultural land located at the southern edge of Ottery St Mary. It is situated immediately adjacent to the town's settlement boundary, which is defined by the residential developments of Claremont Field to the north and Gerway Close to the east. The site consists of several fields managed as arable land and silage for at least the last quarter-century, divided by a network of trees and hedgerows.

The topography is characterized by sloping ground that falls from a high point of approximately 62m Above Ordnance Datum (AOD) at the south-eastern boundary with Sidmouth Road to a low point of roughly 38m–40m AOD along its northern edge. This northern boundary meets a narrow ditch and an unnamed watercourse that drains toward the River Otter. The site is composed of Grade 2 and Grade 3 "Best and Most Versatile" agricultural land. While the interior is largely open, a notable Category A oak tree is situated to the north-west of Gerway Farm, and several high-voltage overhead power lines (33kV and 66kV) intersect the fields. The site occupies a transitional position between the modern urban edge and the rural countryside. To the north, the land rises steeply beyond Claremont Field to an elevation of circa 70m AOD, where houses are oriented to overlook the site and the valley beyond. To the east lies Sidmouth Road, which serves as the primary southern gateway into the town. The western boundary is defined by a woodland area and the River Otter corridor, though dense riparian vegetation largely obscures a direct visual link between the river and the site. To the south lies Gerway Farmhouse, a 20th-century building excluded from the application, beyond which the landscape opens into rolling, rural countryside.

In a wider context, the site has significant intervisibility with East Hill, a prominent ridge within the East Devon National Landscape located approximately 2.5km to the south-east. Locally, the area is categorized as "Rolling Farmland to the south of Ottery St Mary" (LLCA1), a landscape judged to be of "high" value but "medium" sensitivity due to the existing urban influences of the town and local utilities. The site is well-integrated into the local Public Rights of Way (PRoW) network. Footpath 50 crosses the site, Footpath 51 runs along the southern boundary at Gerway Lane, and Footpath 30 adjoins the north-western boundary near the river. Access to local amenities is relatively close, with the town centre located within approximately 1km.

ANALYSIS

Principle of the development

Ottery St Mary is identified as one of the district's seven Main Towns (Tier 2 Centres) under Strategies 2 and 20 of the adopted Local Plan. Such settlements are intended to act as focal points for development, serving both their own communities and surrounding rural areas. Strategy 24 provides specific guidance for Ottery St Mary,

requiring growth to be focused on meeting local needs and enhancing the town's role as a more vibrant and sustainable centre. In broad terms, a proposal for up to 140 dwellings is consistent with the objective of Strategy 24(1) to provide new homes within the town.

However, Strategy 24 does not endorse unrestricted growth. It requires development to be appropriately located, of a suitable scale, and to contribute positively to the town's long-term sustainability. The application site lies outside the defined Built-Up Area Boundary (BUAB) and is therefore classified as countryside for planning purposes.

Under Strategy 7, development in the countryside is strictly controlled and will only be permitted where it is explicitly supported by other Local Plan or Neighbourhood Plan policies, and demonstrated not to harm landscape character or undermine the established settlement pattern. Strategy 24 supports growth in Ottery St Mary but does not override the countryside protection principles in Strategy 7. Development beyond the BUAB must therefore be justified by clear policy compliance and demonstrable sustainability benefits.

The Ottery St Mary and West Hill Neighbourhood Plan (2018) reinforces this position. Policy NP4 (Settlement Containment) seeks to contain the settlement within its defined boundary, and the proposal — by extending built form into land outside the BUAB — conflicts directly with that objective. Policy NP1 (Development in the Countryside) similarly restricts development in this location.

In principle, therefore, the proposal conflicts with the development plan. This conflict engages the wider policy framework, including the housing land supply position and the tilted balance, both of which are addressed in the following sections.

Housing Land Supply

The need for housing over the next five years is a crucial consideration in planning decisions. According to the National Planning Policy Framework (NPPF) 2024, local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

At the time of writing the LPA can demonstrate a **3.5 year housing land supply** against the annual requirement of 1,168. The total number of dwellings deemed deliverable in the five-year period being 4,092 dwellings. Comparing the 4,092 forecasted five-year supply (including dwelling equivalents from care homes) to the 5,838 net dwellings five year requirement indicates a district supply shortfall of 1,746 dwellings.

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national

scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework establishes a so called 'tilted balance' i.e. to grant consent unless any adverse impacts of granting permission would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Ottery St Mary and West Hill Neighbourhood Plan (NP) was made in June 2018. As of the time of writing in April 2026, the NP is nearly eight years old. Consequently, while the NP remains a part of the statutory development plan, its policies do not benefit from the specific NPPF provision that would allow its conflict to "significantly and demonstrably outweigh" the benefits of housing delivery by default. Instead, the application must be judged under the standard Paragraph 11d tilted balance.

The district's pressing housing shortfall is accordingly a material consideration of great weight in favour of the proposal.

Assessment Against the Emerging Local Plan Site Selection and Housing Strategy

The emerging East Devon Local Plan (2020–2042) sets a specific framework for growth to ensure it is "planned and proportionate". Strategic Policy SD04 makes provision for approximately 320 new dwellings in Ottery St Mary over the plan period. When completions (121) and existing commitments (44) are factored in, the *minimum* housing requirement for the Designated Neighbourhood Area (DNA) rises to 493 dwellings.

The Council's coordinated strategy involves bringing forward several sites:

Ottery St Mary preferred allocations

- Thorne Farm (Otry_09): ~90 dwellings.
- Barrack Farm (Otry_01b): ~70 dwellings and 1.25ha of employment land.
- Gerway Farm (Otry_21): ~70 dwellings.
- Salston Barton (Otry_10): ~20 dwellings.
- Strawberry Lane (GH/ED/27): ~60 dwellings.
- Bylands, Slade Road (Otry_15) - 8 dwellings

Tipton St John Allocation within the DNA

- Land South of Otter Close (Otry_04): This site is identified under Strategic Policy SD27 and is allocated for 5 self-build homes
- **Total DNA Requirement:** 493 dwellings.

- **Existing Supply (Completions + Commitments):** 165 dwellings.
- **Residual Requirement to be met by Allocations:** 493 - 165 = 328 dwellings.
- **Proposed Local Plan Allocations:** The strategy provides 323 dwellings via the preferred allocation sites listed above.
- **Neighbourhood Plan Allocations:** A further 5 dwellings are identified through existing Neighbourhood Plan allocations.
- **Total Provision:** 165 (Existing) + 323 (LP Allocations) + 5 (NP Allocations) = 493 dwellings.

This proposal for 140 dwellings at Gerway Farm represents a 100% increase over the draft allocation (70 dwellings). However, the housing numbers cited in both the adopted and emerging plans are minimum requirements, not caps on development. As a Tier 2 "Main Centre," Ottery St Mary is strategically intended to act as a focal point for development to serve its own residents and the surrounding rural communities. While objectors may argue that the town has done its "fair share," the legal reality is that the Council's housing supply deficit creates a high bar for refusal.

The relationship between the proposed development at Gerway Farm and the site selection process underpinning the emerging East Devon Local Plan (2020–2042), together with the weight to be attached to that process and the wider housing strategy for Ottery St Mary, is a key consideration.

The Council's Site Selection Report (February 2025) assessed a significantly larger area originally promoted as site GH/ED/29, measuring approximately 19.32 hectares. Following detailed appraisal, this land was subdivided into two distinct parcels: GH/ED/29a, now identified as draft allocation Otry_21, and GH/ED/29b, which was rejected. The site selection exercise concluded that only the eastern portion of the site, extending to approximately 2.37 hectares, should be allocated for residential development, with an indicative capacity of around 70 dwellings. In contrast, the western and central elements of the original site (GH/ED/29b), totalling some 17 hectares, were discounted from allocation. The Site Selection Report identified these areas as representing an unacceptable extension into open countryside, both in terms of their physical scale and landscape impact. The rejected land was considered to be of an "unacceptably large scale" and insufficiently contained, such that development would conflict with the established settlement pattern of Ottery St Mary.

The planning application now before Members seeks permission for up to 140 dwellings on a site of approximately 7 hectares. This proposal therefore significantly exceeds the capacity identified through the site selection process for Otry_21 and extends built development well beyond the boundaries of this draft allocation. In doing so, it encroaches partially into areas of land that the Council has previously explicitly rejected during plan preparation on the basis of landscape impact and unacceptable countryside intrusion. The scale and extent of development now proposed is materially greater than that envisaged through the emerging Local Plan.

The Site Selection Report also considered the environmental constraints of the land. In landscape terms, the site was assessed as having "Medium" sensitivity. While the

eastern portion of the site (Otry_21) was considered to relate reasonably well to existing development, the report cautioned that any westward expansion would erode the historic field pattern and result in development that would be visually intrusive, particularly in longer-range views. From a heritage perspective, the site was similarly assessed as of “Medium” sensitivity, with the presence of Neolithic and Roman archaeological features identified within the site boundary and the need for further evaluation clearly flagged. The weight to be attributed to these site selection findings and the draft allocation status of Otry_21 is a matter of judgement. The emerging East Devon Local Plan has reached Regulation 19 stage, and under the National Planning Policy Framework the weight afforded to emerging policies depends on the stage of preparation, the degree of consistency with national policy, and the extent to which there are unresolved objections. The applicant contends that, as an emerging plan, the draft allocation currently attracts limited weight. At the same time, however, the applicant relies on the inclusion of Otry_21 within the draft plan to argue that the Council has already accepted the principle that this location represents a suitable, viable, deliverable and sustainable option for housing growth.

Conversely, third party objectors, place greater emphasis on the adopted development plan and the specific outcomes of the site selection process. It is argued that the draft allocation should not be used to justify development that materially exceeds both the scale and footprint identified by the Council as acceptable, particularly where such expansion conflicts with areas that were expressly excluded during plan preparation. In this context, it is contended that the adopted Local Plan policies continue to carry significant weight and should not be overridden by a proposal that departs so substantially from the evidence base of the emerging plan. The applicant, for their part, argue that the large allocation sought and subsequently rejected by the site selection included more land than that now applied for, and that further the site selection process did not allow for the opportunity to then promote a further small site selection based upon land that is now proposed.

In considering the proposal within the wider housing strategy for Ottery St Mary, it is relevant that the emerging Local Plan identifies the town as a Tier 2 “Main Centre” within the settlement hierarchy. Such settlements are expected to accommodate a meaningful level of growth in order to meet their own housing needs and to support surrounding rural communities. Strategic Policy SD04 makes provision for approximately 320 new dwellings and around 1.25 hectares of employment land within Ottery St Mary over the plan period to 2042. When completions and existing commitments are taken into account, the minimum housing requirement for the Ottery St Mary Designated Neighbourhood Area rises to 493 dwellings.

The draft Local Plan seeks to deliver this growth through a number of specific site allocations. In addition to the 70 dwellings proposed at Gerway Farm (Otry_21), further allocations include Thorne Farm (approximately 90 dwellings) and Barrack Farm (around 70 dwellings alongside employment land). Together, these sites form a coordinated strategy for meeting the town’s housing requirement in a planned and proportionate manner.

Against this backdrop, the application proposal represents a significant uplift over the scale of development envisaged for Gerway Farm through the site selection process

and the emerging Local Plan. Members are therefore required to carefully weigh the benefits of the additional housing proposed against the extent to which the scheme aligns with, or departs from, the Council's evidence-based approach to site selection and the strategic planning framework for Ottery St Mary.

In light of the fact that the district is currently unable to demonstrate a five-year housing land supply, the "tilted balance" as set out in paragraph 11d of the NPPF is engaged, creating a strong presumption in favour of sustainable development. The emerging Local Plan (2020–2042) can only be afforded limited weight at this stage, as it remains at the Regulation 19 consultation phase and has not yet been subjected to an independent examination to test its soundness or resolve ongoing objections. As a matter of principle, the proposal's provision of housing significantly above the 70 units proposed in draft allocation Otry_21 should not weigh against the development; instead, the delivery of up to 140 homes should be given substantial weight as a benefit that directly addresses the district's "pressing" housing shortfall. The inclusion of the site's eastern portion in the draft plan serves as a formal acknowledgement by the Council that this is a suitable, viable, and sustainable location for residential growth, and the intensification of housing numbers on a site already identified for development does not constitute an adverse impact that would "significantly and demonstrably" outweigh the benefits of providing additional market and affordable homes.

The site selection process would suggest that the proposed expansion of development past the preferred allocation would result in harm. However, the context for this assessment was made at a macro level rather than in-depth assessment, subject to the rigours of full consultee involvement. This high level assessment feeds into policies of the emerging local plan policies which are yet to be examined. Therefore, it is advised that members consider the planning balance relative to the merits in light of consultee responses, and then if there is any harm found, ask themselves if this *significantly and demonstrably* outweighs the benefits. This is a different question to that which was posed during the site selection process.

Given the above it is the officer's view that as a matter of principle extending beyond the preferred allocation should not be used as a reason for refusal – given the plans emerging status and the pressing need of housing to be supplied. Instead, the contextual matters of the impact of the development on this area will need to be taken into account.

Design, Layout and Connectivity

The indicative masterplan for the proposed development at Gerway Farm illustrates the delivery of up to 140 dwellings across a site of approximately 7 hectares. Built development is largely concentrated on the eastern part of the site, with the remainder retained as public open space and green infrastructure. As a result, approximately 47% to 50% of the overall site area would remain undeveloped, providing landscaping, recreational space and buffer areas to the open countryside. The applicant has sought to demonstrate that the proposal integrates appropriately with the existing built form along the southern edge of Ottery St Mary. A key element of the design approach is the concept of "rounding off" the settlement, according to the applicant. The masterplan aligns development with the existing residential areas

at Gerway Close to the east and Claremont Field to the north, and extends the southern building line of Gerway Close westwards to form what the applicant describes as a logical continuation of the settlement pattern. In this respect, the proposal is presented as completing a defined edge rather than establishing a new and isolated extension into the countryside.

The treatment of the settlement edge is a significant component of the design strategy. At present, the rear gardens of existing properties form the urban fringe, creating what the applicant considers to be a poorly defined and unsympathetic transition to open countryside. Officers agree with that view. The masterplan indicates active frontages overlooking areas of public open space to the north and south, with dwellings orientated to face outward rather than presenting rear boundaries. This approach is intended to provide a stronger and more deliberate interface between the town and the surrounding landscape.

In terms of density and scale, the indicative masterplan adopts a graduated approach across the site. Lower density housing is located on the site edges where development adjoins existing residential properties, while higher density housing is concentrated toward the centre of the site. Building heights are similarly controlled, with development limited to two storeys adjacent to existing dwellings and increasing to up to two-and-a-half storeys within the interior of the site. This transition is intended to reduce visual impact, limit overlooking and respect the amenity of neighbouring residents.

Connectivity and permeability are integral elements of the masterplan. The layout incorporates the existing Public Rights of Way network, including a primary pedestrian route following PRoW 51 to Sidmouth Road and a secondary connection to Claremont Field and PRoW 50. These links are intended to improve opportunities for walking and cycling and to integrate the new neighbourhood with the surrounding residential areas and the wider town. To be clear these are secondary pedestrian linkages – the primary pedestrian linkage would be along Sidmouth Road via Gerway Close.

Chapter 12 of the National Planning Policy Framework emphasises the importance of achieving well-designed places that are visually attractive, sympathetic to local character and which create a strong sense of place. In response, the illustrative masterplan incorporates a central area of open space arranged around a retained Grade A oak tree, alongside the provision of a Locally Equipped Area for Play. The applicant also draws attention to the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, which is engaged due to the Council's current lack of a five-year housing land supply. In this context, the applicant argues that design-based objections would need to significantly and demonstrably outweigh the benefits of housing delivery in order to justify refusal.

At the local policy level, Policy D1 of the adopted East Devon Local Plan requires development to respect local distinctiveness and to relate well to its surroundings. The applicant contends that this will be addressed through the proposed use of traditional materials, varied rooflines and a layout that reflects surrounding residential patterns. Policy D2, which seeks to protect and enhance landscape features, is

addressed through the retention and incorporation of existing hedgerows into the landscaping framework and through proposals for their long-term management.

Within the emerging Local Plan, Strategic Policy SD04 draft-allocates only the eastern portion of the site (Otry_21) for around 70 dwellings as noted above. While recognising that the application exceeds this draft allocation, the applicant argues that the inclusion of Otry_21 confirms the suitability of this location for residential development in principle. Strategic Policy DS02 requires larger developments to be supported by a Design Code, and the submitted masterplan parameters relating to density, height and layout are intended to provide a framework for any future detailed design stage.

The Ottery St Mary Neighbourhood Plan (2018), and in particular Policy NP2, seeks high-quality design that responds sensitively to local character. The proposed layout and scale are consistent with this policy albeit they are illustrative only. Policy NP6 (Valued Views) protects publicly valued views. Representations indicate that the development would cause unacceptable harm to views from the Scheduled Monument at Belbury Castle and the general setting of Ottery St Mary. However, the applicant's Landscape and Visual Impact Assessment (LVIA) judge these effects as "minor adverse."

The proposed scheme has a calculated net residential density of approximately 37.4 dwellings per hectare, based on up to 140 dwellings across a net developable area of 3.74 hectares. The ward member has suggested that the density could be slightly higher, at around 38 dwellings per hectare. The relationship between this density and the surrounding development is a central point of disagreement. Objectors note that nearby residential areas are characterised by a significantly lower density of approximately 23 dwellings per hectare and consider the proposal to be out of character with its surroundings. In response, the applicant reiterates the use of a density transition strategy, with lower density housing and reduced building heights positioned adjacent to existing homes, and higher density development confined to the centre of the site. The applicant maintains that this approach, together with the alignment of development with Gerway Close, successfully "rounds off" the settlement and avoids abrupt contrasts in form and scale.

It is also relevant that the Council's site selection evidence for the emerging Local Plan identified the eastern field (2.37 hectares) as suitable for around 70 dwellings, equating to a lower density of approximately 30 dwellings per hectare. The proposed development therefore represents a marked intensification relative to the draft allocation. Objectors describe this as overdevelopment, arguing that the density exceeds what was tested through the plan-making process and is not adequately supported by local infrastructure. Notwithstanding the higher density of the built area, almost half of the total site will remain undeveloped as green infrastructure and public open space. This substantial provision of open land creates a softer, greener edge to the settlement and helps to mitigate the visual impact of the higher density development.

The submitted Landscape and Visual Impact Assessment accepts that the development would result in an irreversible change from agricultural land to residential use. While the applicant considers that the development would be

perceived in the context of the existing town and would not appear out of character, objectors raise concerns that the density and scale of development would result in visual dominance, loss of privacy and an erosion of the town's rural setting. These differing positions highlight the need for Members to carefully assess whether the proposed design, layout and density achieve an appropriate balance between housing delivery, landscape impact and local character.

The councils landscape architect has commented on this proposal, concluding a 'holding objection' at the time of writing.

In landscape and visual terms, the officer accepts the applicant's own Landscape and Visual Impact Assessment conclusion that the proposal would result in a substantial adverse effect on the character of the site and its immediate setting. However, these impacts would be relatively contained and would diminish rapidly with distance from the site. On this basis, it is accepted that the wider landscape, including the East Devon National Landscape, would not be adversely affected by the development as proposed.

Notwithstanding this acceptance in principle, significant concern is raised regarding the extent of the built form, particularly along the western edge of the site. As originally submitted the proposed development was considered to extend too far westwards, resulting in unacceptable encroachment towards public footpath OSM 50 and eroding the rural experience of users of that route. The current illustrative layout is also identified as closing off views towards the National Landscape to the south from Claremont Field. To address this harm, the Landscape Architect recommends that the western development edge be set back by approximately 25 metres.

The applicant has amended the indicative perimeter plans to illustrate a 10 metre edge from the PRoW under amended plans. Whilst not to the extent requested by the landscape officer this provides enhanced space for users of the PRoW. The suburbanisation of the user experience would be unavoidable but the 10 metre buffer would provide some relief for walkers.

A number of further technical and design matters are also highlighted. The surface water drainage proposals are considered overly engineered and inconsistent with the softer, landscape-led approach illustrated elsewhere in the submission, and a more naturalistic SuDS strategy that delivers ecological and amenity benefits is sought. The response also requires detailed consideration of the removal or undergrounding of overhead powerlines, the retention and enhancement of the degraded hedgerow dividing the eastern and western fields, and additional structural planting, including a copse and orchard planting to the south of the site access, to strengthen screening and landscape character.

Finally, the Landscape Architect advises that, should the application be approved despite the unresolved objection, a comprehensive set of conditions would be necessary. These would include strict controls over external lighting to ensure the retention of dark corridors for bats, the submission of a long-term habitat and landscape management plan covering a minimum period of 30 years, and detailed approval of hard landscaping elements such as walls, fencing and street furniture. Collectively, these measures are intended to ensure that landscape character,

biodiversity and long-term management are properly secured and that the development integrates more successfully with its surroundings.

The extension into the western field parcels conflicts with the Council's own Site Selection Report, which rejected that area as an "unacceptably large" intrusion into the open countryside. Consequently, despite the delivery of approximately 50% public open space, the scheme in its current form fails to demonstrate the sensitive, high-quality design required by Adopted Local Plan Policies D1, D2 and Neighbourhood Plan Policy NP2.

Notwithstanding the landscape officer's holding objection, and applying the tilted balance, the question is not whether the indicative layout is optimal but whether the landscape harm is of sufficient severity to significantly and demonstrably outweigh the substantial benefits of delivery. This will be weighed in the planning balance.

Economy and Mixed Use of Land Coming Forward

The draft allocation for Gerway Farm (Otry_21) in the emerging Local Plan does not include a requirement for employment land and the site is omitted from the summary table of employment allocations in Strategic Policy SP04. This contrasts with other Ottery St Mary allocations, most notably Barrack Farm (Otry_01b), where the emerging plan explicitly requires the provision of approximately 1.25 hectares of employment land in order to improve settlement self-containment.

It has been highlighted that, if the Council were minded to permit a significantly larger scheme than that identified in the emerging plan, namely up to 140 dwellings, which is double the draft allocation, the development should incorporate a mixed-use element. The concern is that, without on-site employment provision, the proposal risks functioning as a purely residential or "dormitory" extension to the town.

It is noted that the specific pro-rata requirement for employment land (0.4 hectares per 100 dwellings), contained in Strategy 5 of the Regulation 18 draft Local Plan, was not carried forward into the Regulation 19 versions of the plan. In the most recent Second Regulation 19 Publication Draft (November 2025), policy numbering has changed, with "Strategy 5" now referring to Strategic Policy SP05, which addresses development within settlement boundaries. The principal employment strategy is now contained within Strategic Policy SP04, which focuses on the spatial distribution of employment land through identified allocations rather than applying a district-wide formula to all housing sites.

As the emerging Local Plan has not yet been subject to independent examination, this limits weight can be afforded to its draft policies, particularly those that were included at the Regulation 18 stage but then subsequently deleted. There is therefore a high degree of uncertainty as to the final status of the former pro-rata employment land requirement. Nonetheless, the Regulation 19 draft continues to express a clear strategic objective that larger housing allocations should, where appropriate, provide new employment opportunities alongside housing to improve settlement self-containment. Importantly, while this principle is reflected in certain

site-specific allocations, the emerging allocation for Gerway Farm does not include such a requirement, whereas Barrack Farm and other sites do.

By contrast, the adopted East Devon Local Plan remains extant. Adopted Strategy 31 sets out a requirement for large-scale major residential developments (defined as sites of 4 hectares or more) to provide employment opportunities on a pro-rata basis, equating to approximately one job per dwelling, or around 1 hectare of employment land per 250 homes. Gerway Farm, at approximately 7 hectares, falls within this definition.

If development on the site is intensified to 140 dwellings, Strategy 31 should be applied and the site treated as a mixed-use development. It could be argued that the delivery of small business units would be highly desirable, given the historic loss of employment land in Ottery St Mary, including the former Finnimore Industrial Estate, and that the availability of a standalone vehicular access strengthens the practical case for employment uses on site.

In this context, it is material that outline planning permission has recently been granted for up to 2,640 sq. m. of employment floorspace (Use Classes B8, E(c) and E(g)) adjacent to the Finnimore Industrial Estate (planning consent ref 23/2077/MOUT). This constitutes a material change in local circumstances. The approved Finnimore development represents the delivery of land already identified for employment purposes under Adopted Strategy 24 and Neighbourhood Plan Policy NP19, and it goes some way towards addressing the previously identified shortage of employment land in the town. However, it does not necessarily negate the site-specific implications of the Gerway Farm proposal.

In particular, the Finnimore consent forms part of the town's baseline employment supply and was not intended to accommodate additional demand arising from the intensification of other housing sites. A proposal for 140 dwellings at Gerway Farm generates its own incremental demand for local employment if settlement self-containment is to be maintained. Under Strategy 31, this would equate to a requirement of approximately 0.56 hectares of employment land.

Policies in emerging plans do not have the same statutory force as those in adopted development plans under section 38(6) of the 2004 Act, but they are recognised as material considerations. The amount of weight given to a Regulation 19 emerging plan is determined by the criteria set out in paragraph 48 of the National Planning Policy Framework. Policies that align more closely with the Framework carry more weight.

Strategy 31 applies a rigid pro-rata formula on large-scale major sites. In contrast, the NPPF (Paragraph 86e) emphasizes that planning policies should be "flexible enough to accommodate needs not anticipated in the plan" and allow for a rapid response to changes in economic circumstances. A mandatory ratio may be seen as conflicting with this requirement for flexibility. The NPPF is emphatic that policies requiring developer contributions (such as mandated employment land) "should not undermine the deliverability of the plan". While Strategy 31 acknowledges that residential and business uses are not always compatible, it does not explicitly contain the same "viability-first" approach found in the NPPF, which requires that the

total cumulative cost of all relevant policies does not put the implementation of the plan at serious risk. Strategy 31 uses a broad estimate of 1 job per home rather than a site-specific or sector-specific assessment of market demand. The NPPF (Paragraph 87) suggests a more nuanced approach, making provision for specific sectors like "knowledge and data-driven" or "high technology industries" based on their particular locational requirements. Strategy 31 is inconsistent with the NPPF's focus on deliverability and flexibility. It is afforded reduced weight in the final planning balance, especially in areas where housing delivery is a critical priority.

Further, the recent consent of the Finnimore scheme weakens the argument that Gerway Farm must provide employment land to compensate for a lost or undelivered allocation elsewhere in Ottery. However, it does not remove the adopted policy requirement for large-scale major residential developments to support job provision on a pro-rata basis. There is a need to balance the benefits of increased housing delivery against the continued relevance of Strategy 31 and the extent to which the recent Finnimore consent has alleviated employment land pressure in Ottery St Mary. It is the officer's view that although the lack of employment land included with the proposal weighs against the scheme this harm is not attributed great weight due to the mitigating factors highlighted above. Instead, moderate harm would be considered to result from the lack of inclusion of employment generating uses.

Flood Risk and Surface Water Drainage

The application site is partially affected by fluvial flood risk, with limited areas along its northern boundary falling within Flood Zones 2 and 3, associated with an unnamed watercourse and the wider River Otter corridor. The applicant has indicated that all proposed residential built development, including dwellings and principal vehicular access points, is located entirely within Flood Zone 1, which is defined as land at low risk of flooding.

The proposed layout has been informed by an approach to flood risk. Areas identified as being at higher risk of flooding are confined to public open space, landscaping and green infrastructure rather than 'residential development'. These uses are classified as "Water-Compatible" and are considered appropriate within areas of elevated flood risk. In contrast, the proposed housing, categorised as "More Vulnerable" development, and the primary access is limited to the parts of the site located within Flood Zone 1. The principal vehicular and pedestrian access arrangements from Sidmouth Road are also situated wholly within Flood Zone 1, ensuring that safe access and egress would be available to residents during flood events.

In addition to river flooding, a small area at the north-eastern extent of the site has been identified as being susceptible to surface water (pluvial) flooding during an extreme 1-in-1000-year event. The applicant advises that this risk is localised and will be addressed through the proposed Sustainable Drainage System (SuDS). The drainage strategy includes the use of infiltration basins designed to manage surface water runoff for events up to a 1-in-100-year return period, with an additional 45% allowance to account for the effects of climate change, in accordance with current

guidance. This is further explored in the section on surface water drainage of this report.

The National Planning Policy Framework requires that development is directed to areas at the lowest risk of flooding through the application of a sequential, risk-based approach i.e. the sequential test. Although parts of the site lie within Flood Zones 2 and 3, the applicant considers that a formal Sequential Test under paragraph 175 of the NPPF is not required. This position is based on the submitted site-specific Flood Risk Assessment, which demonstrates that all “More Vulnerable” residential development and the main access routes are located entirely within Flood Zone 1. The Environment Agency has confirmed that the proposed layout reflects a sequential approach in practice, although it notes that it remains for the Local Planning Authority to be satisfied that this has been adequately demonstrated prior to determination.

At the local policy level, adopted Local Plan Policy EN21 seeks to ensure that development is directed to Flood Zone 1 wherever reasonably possible and that areas at higher flood risk are reserved for appropriate uses. The proposal accords with this approach by restricting built residential development to the low-risk parts of the site and utilising areas within Flood Zones 2 and 3 for open space and landscaping.

To manage residual flood risk, a number of mitigation measures are proposed. Finished Floor Levels for all dwellings would be set at a minimum of 150mm above surrounding ground levels to improve resilience against surface water flooding. In addition, the Environment Agency has confirmed that there should be no raising of ground levels within Flood Zones 2 and 3, in order to safeguard their natural role in storing and conveying floodwaters. This requirement would be secured by condition. The Flood Risk Assessment also confirms that the site is not subject to tidal flood risk, as it lies approximately 15 kilometres upstream of the Otter estuary and is therefore unaffected by tidal influences.

Secondary pedestrian links running through the Otter Valley and towards Claremont Field, including the route via Public Right of Way 50, lie within areas subject to fluvial flood risk. These routes are described by the applicant as informal in nature, generally unmade and unlit, and therefore likely to be most attractive during drier and lighter months. As such, they are not intended to function as guaranteed year-round access or escape routes, but rather as ancillary recreational connections.

NPPF para 175 states - *The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*

Even if a site is only *partially* within an area at risk (like Flood Zone 2 or 3), the sequential test is triggered unless all built development, specifically including access

or escape routes, is located entirely within the part of the site that is in a low-risk area. As the secondary pedestrian access crosses into a flood area, the site as a whole fails this exception and must undergo the test. NPPF 175 explicitly includes "access or escape routes" within the definition of "built development" for flood risk purposes.

The presence of pedestrian routes within Flood Zones 2 and 3 raises a number of planning considerations. National policy requires the Sequential Test to consider not only the location of built development but also access and escape routes, and Members must be satisfied that the development as a whole has been appropriately located in flood risk terms. The Public Rights of Way Officer has advised that increased use of these routes is likely to result in erosion and surface deterioration during wet periods, noting that the paths are already prone to becoming muddy and slippery. Nevertheless, it would be reasonable to assume increase in footfall and that resurfacing will be required – which the DCC PRoW officer is open to entertain. Additionally, while the principal vehicular and pedestrian access is located within Flood Zone 1, concerns have been raised by third parties regarding the practical accessibility and safety of secondary routes within flood-prone areas, particularly for school children and people with reduced mobility seeking wider connectivity to the town.

Members must be satisfied that the development as a whole, including its access and circulation routes, has been sequentially planned and is appropriately located having regard to flood risk.

In summary, while limited parts of the site fall within Flood Zones 2 and 3, the proposal has been designed to direct all residential development and primary access routes to Flood Zone 1, with higher risk areas reserved for water-compatible uses. Subject to conditions controlling finished floor levels, ground level changes and the implementation of the drainage strategy, the Environment Agency raises no objection. However, having found that the proposal is subject to the sequential test it is next necessary to apply this.

Application of the sequential test

The sequential approach aims to direct development to areas with the lowest flood risk, minimising reliance on measures such as flood defences, warnings, and resilience features. This ensures that areas with little or no flood risk are developed first. By prioritising avoidance of high-risk areas, the approach effectively mitigates potential flooding impacts. Even with an FRA confirming the safety of a development throughout its lifespan, the Sequential Test must be applied to avoid placing unnecessary pressure on flood risk management systems. In summary a risk adverse approach is advocated.

Whilst there are a number of circumstances where the sequential approach can be disengaged those are not applicable here. It is not required if the site has been allocated for development and already assessed during the plan-making stage, provided there have been no significant changes to flood risk levels. In the current case, the site has not been allocated for development at the plan-making stage, the emerging allocation covers only the eastern portion of the site, and no formal

assessment of the full application site's flood risk has taken place through that process. The disengagement provision therefore does not apply

The PPG advises LPAs to define the area for the test based on the development's catchment, considering factors like the type of development and its location. The test should consider the availability of alternative locations, supported by evidence from the developer.

The NPPF states that development should not be allocated or permitted if there are 'reasonably available' sites appropriate for the proposed development.

The NPPG clarifies what is meant by a "reasonably available" site;

'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

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By virtue of the other preferred allocations around Ottery St Mary these could take the quantum of housing proposed (140 dwellings) without flood risk issues and are therefore valid alternatives.

Accordingly, the LPA consider that the sequential test has not been passed. To be clear flood risk safety must be considered separately from the housing delivery debate.

An Exception Test, as set out in paragraphs 177 to 179 of the NPPF, is not triggered in this instance. This is because no "More Vulnerable" development is proposed within Flood Zone 3, and the development therefore complies with the flood risk vulnerability and compatibility criteria set out in national guidance. The component parts of the development, those taking place within the floodzone and outside are severable.

There is no substantive evidence to indicate that the various other potential sites for housing put forward as preferred allocations or sites with extant permission in the district would be unsuitable or not have a lower risk of flooding. As such, there is no substantive basis to find that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed development therefore fails the sequential test, in conflict with the Framework in this respect.

The findings on this main issue shall be considered further in the planning balance, taking account of the High Court judgement relating to *Mead Realisations Limited v SSLUHC [2024] EWHC279 (Admin) (Mead)* which clarifies that a failure of the sequential test is not automatically fatal to a planning application and clarifies that any such failure does not obviate the need to weigh this in a planning balance.

Following the submission of additional drainage information by the applicant, including a revised Flood Risk Assessment and Drainage Strategy (April 2026) and an alternative outline drainage strategy, the LLFA has withdrawn its previous objection and raises no in-principle objection to the development at this stage. The revised proposals include surface water management via attenuation or infiltration basins, with discharge restricted to greenfield run-off rates,

The LLFA suggest the imposition of pre-commencement and pre-occupation conditions securing detailed surface water drainage design, infiltration and groundwater testing, construction phase runoff control, exceedance flow management, and long-term adoption and maintenance arrangements. The proposed strategy is based on attenuation or infiltration basins with discharge restricted to greenfield run-off rates and is considered acceptable in principle. The LLFA also advises that any works affecting an ordinary watercourse will require separate Land Drainage Consent. Subject to these measures, the development is not considered to increase flood risk on site or elsewhere.

Subject to these measures the proposal would accord with policy EN19(Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) of the local plan and the NPPF.

Archaeology

The application site lies within a landscape with documented prehistoric settlement and funerary activity. Geophysical survey submitted with the application identified anomalies consistent with a Romano-British farmstead within a ditched enclosure, associated field boundaries, and possible prehistoric funerary features.

The Devon County Council Historic Environment Officer initially objected to the application on the grounds that the geophysical survey results alone were insufficient to inform an understanding of the significance of the identified remains, and requested a programme of intrusive field evaluation sampling a minimum of 3% of the site area prior to determination.

Following further engagement, the applicant submitted a Written Scheme of Investigation (WSI) prepared by Isca Archaeology (ref. R01-0132-4 V1.2, dated 13 March 2026). The Historic Environment Team has reviewed the WSI, confirmed it is acceptable as a methodology for understanding the significance of archaeological heritage assets within the application area, and has withdrawn its objection subject to conditions. Two conditions are recommended: the first requiring development to be carried out in accordance with the approved WSI; the second requiring post-

excavation assessment, analysis, publication, dissemination and archive deposition to be completed and confirmed in writing prior to occupation.

Subject to those conditions, the proposal is considered to accord with Policies EN6 and EN7 of the adopted Local Plan and Strategic Policy HE04 of the emerging Local Plan. Archaeology does not weigh against the scheme.

Access, Transportation and Highway Impact

National and local planning policy requires that development proposals provide safe and suitable access for all users and promote sustainable patterns of movement. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds where the residual cumulative impacts on the road network would be severe. At the local level, Strategy 5B and Policy TC4 of the adopted East Devon Local Plan seek to prioritise walking and cycling by ensuring development is well connected to services and facilities. Policy TC7 further advises that planning permission should not be granted where a proposal would be detrimental to the safe and efficient operation of the highway network.

Vehicular access to the development would be provided via a new priority-controlled T-junction on the western side of Sidmouth Road. The junction has been designed with 10-metre kerb radii and an internal carriageway width of 5.5 metres, which is sufficient to accommodate large service vehicles, including 11.2-metre refuse and recycling vehicles. The access is located in the position of a previously approved farm access (planning reference 22/2667/FUL).

Devon County Council (DCC), as highway authority, has confirmed that the proposed visibility splays of 2.4 metres by 43 metres are acceptable given the prevailing 30mph speed environment on this section of Sidmouth Road. While concerns have been raised regarding the proximity of the national speed limit further to the south, the Highway Authority notes that the speed limit transitions to 20mph approximately 25 metres north of the proposed junction. On this basis, DCC Highways raises no objection to the principle or technical design of the proposed access arrangements.

The proposed visibility splays do not reflect the recorded southbound 85th percentile speed of 34.2mph. The Highway Authority, considers the site to form part of a 30mph speed environment and has confirmed that the proposed visibility splays of 2.4 metres by 43 metres are consistent with the guidance set out in Manual for Streets 1 and 2 for roads of this nature, notwithstanding these higher observed vehicle speeds.

While the proposed access is technically located within a section of road subject to the national speed limit, the Highway Authority appears to place weight on the site's close proximity to a lower-speed urban area, with a 20mph speed limit commencing approximately 25 metres to the north. This transition is considered indicative of driver behaviour changing as vehicles approach the built-up area, and has informed the judgement that visibility standards appropriate to a 30mph environment are suitable at this location.

The Highway Authority has also noted that the access is proposed in the same location as the previously approved farm access, where identical visibility splays were accepted as safe and appropriate, albeit not serving traffic for a large residential development. Highways have confirmed that there have been no recorded personal injury collisions at the proposed access point over the most recent five-year period, which is taken as further evidence that the existing and proposed highway geometry operates safely in practice.

In designing the access, the applicant's highway consultant has applied standards from Manual for Streets rather than the Design Manual for Roads and Bridges, on the basis that the latter is intended for higher-speed strategic routes, whereas Manual for Streets is specifically aimed at roads within or adjacent to urban areas where vehicle speeds are expected to be lower. Under Manual for Streets guidance, a visibility splay of 43 metres corresponds to the stopping sight distance for a design speed of 30mph, which the Highway Authority is satisfied is appropriate in this case, notwithstanding that the count identified 34.2 mph speeds.

The Transport Assessment submitted in support of the application considers the impact of the development on the wider highway network. Vehicle trip rates have been derived from Claremont Field, a nearby residential development comprising approx. 95 dwellings, which is considered a reasonable local comparator. Based on this evidence, the proposed 140 dwellings are forecast to generate approximately 55 vehicle movements in the morning peak hour and 53 movements in the evening peak hour, equating to roughly one additional vehicle movement per minute during peak periods.

Capacity modelling has been undertaken at six key junctions, including the Tip Hill / Longdogs Lane / Winters Lane crossroads and the Broad Street / Jesu Street / Tip Hill junction. The assessment concludes that all of the study junctions would continue to operate well within their theoretical capacity up to the 2030 assessment year, even with the addition of development traffic. Although the Town Council and local residents consider that additional traffic would exacerbate existing congestion within the town centre, DCC Highways advises that the predicted increase would not amount to a "severe" (this being the relevant test) cumulative impact as defined by the NPPF and therefore does not justify refusal on highway capacity grounds.

In terms of sustainable travel, the scheme incorporates two principal pedestrian and cycle routes linking the site to the town centre and the wider network. The eastern route follows the alignment of an existing public right of way (PRoW 51). To enhance safety and accessibility, the construction of a new 2-metre wide footway within the highway verge on the western side of Sidmouth Road, providing a continuous and direct link between the site and the existing footway at Gerway Close would be necessary. In such circumstances a Grampian condition could ensure that such pavement connection is place prior to occupation. From Gerway Close there is a pedestrian footway that provides a safe pedestrian route into the town.

The western route connects the development to the existing public right of way at the south-western end of Claremont Field, offering a secondary pedestrian and cycle connection into the established residential area. The site is generally considered to be in a sustainable location, with Ottery St Mary town centre and the primary school

located within approximately 1km to 1.1km walking distance. However, an Accessibility Audit has identified several off-site constraints along key pedestrian routes. On Longdogs Lane, a section of approximately 55 metres near the primary school has a carriageway width of around 3.2 metres and lacks a formal footway. In addition, sections of footway on Tip Hill narrow to between 0.8 metres and 1.0 metre in width on the route to the town centre.

Third parties have expressed concern that these existing constraints, together with the steep gradients and occasionally muddy conditions associated with parts of the public right of way network, reduce the practical accessibility of the site. Concern has been raised in relation to pedestrian safety for school children and the suitability of routes for those with reduced mobility.

In conclusion, from a technical highways perspective, the Local Highway Authority is satisfied that the proposed site access is safe and that the impact of the development on the wider highway network would be acceptable. The provision of a new footway along Sidmouth Road, linking to the pedestrian path at Gerway Close, together with the submission of a Framework Travel Plan, represents meaningful mitigation aimed at encouraging sustainable travel choices. Nevertheless, Members will need to balance these technical conclusions against the local concerns regarding the safety and adequacy of off-site pedestrian routes and the cumulative impact of additional traffic within Ottery St Mary's constrained road network. To enhance connectivity a condition would seek for PRow 50 to be properly surfaced to accommodate the increase in footfall. Should planning permission be granted, a Construction Traffic Management Plan and financial contributions toward addressing the identified footway constraints on Longdogs Lane and Tip Hill would be appropriately secured through a Section 106 legal agreement.

Foul Water

The proposed foul drainage strategy relies on a gravity-fed system connecting into existing public sewerage infrastructure. A 150mm diameter public foul sewer crosses the north-western extent of the site and continues along its northern boundary toward Claremont Field. Given the site's topography, which falls markedly toward the north, the drainage network can operate entirely by gravity and no pumping station is anticipated to be necessary.

South West Water (SWW) raises no objection in principle, subject to a number of technical requirements. No built development shall take place within 3.5 metres of the existing 9-inch public water main crossing the site; any encroachment would require diversion at the applicant's expense. SWW confirms that foul sewerage services can be provided via existing public sewers in the vicinity, and that clean water can be provided from the existing network. SWW recommends a condition requiring water efficiency to the optional Building Regulations standard of 110 litres per person per day, reflecting above-average per capita consumption in the South West and increasing climate-related pressure on water resources.

Third parties have drawn attention to the East Devon Water Cycle Study (2025), which identifies capacity issues at the Fluxton Wastewater Treatment Works and

highlights that storm overflow discharges within the catchment already exceed permitted spill rates. It is recognised, from the experience of other large residential developments within the same catchment, that upgrades to wastewater infrastructure are likely to be required before occupation of the development.

South West Water has a statutory duty under sections 94 and 37 of the Water Industry Act 1991 to provide capacity to accommodate new developments, enforceable under section 18 of the Act. The NPPF at paragraph 194 requires that, in taking planning decisions, it should be assumed that separate pollution control regimes, including the Water Industry Act, will operate effectively. This is not an unlimited assumption: it does not preclude consideration of drainage concerns where a scheme proposes an unsustainable or inappropriate drainage solution. However, where, as here, the proposal is to connect to the public mains drainage network, it is appropriate to proceed on the basis that SWW will fulfil its statutory obligations, subject to appropriate planning conditions.

A Grampian condition will be imposed requiring no dwelling to be occupied until SWW has completed its modelling and any necessary network improvements for foul drainage and confirmed this in writing to the Local Planning Authority. A condition will also require water efficiency measures to the G2 standard prior to occupation. Given SWW's statutory duty and confirmed willingness to provide capacity, it is considered that these requirements can realistically be achieved within the lifetime of the permission, and that the Grampian approach is appropriate.

Foul water drainage does not weigh against the scheme, subject to the conditions described.

Ecology and Biodiversity

The Council's Ecology Officer has reviewed the submitted ecological appraisal, supporting surveys and Biodiversity Net Gain (BNG) documentation against relevant legislation, national policy, adopted local plan policies and best practice guidance. While the submitted information is generally sufficient to inform the outline proposal, the Ecology Officer identifies a number of limitations and omissions, particularly in relation to protected species mitigation, habitat detail and the BNG baseline. Notwithstanding these matters, it is advised that, subject to the imposition of appropriate planning conditions and obligations to secure further detail and mitigation, the proposal raises no objection on ecological grounds.

The site is confirmed to support, and has the potential to support, a number of legally protected and notable species. Hazel dormouse has been confirmed as nesting on the site, and the species is assumed to utilise connected hedgerow networks across the application area. Hedgerow removal required to facilitate vehicular access would result in an impact on dormice and will therefore require a Natural England European Protected Species Licence. The Ecology Officer is satisfied in principle that the impacts can be adequately mitigated and compensated, subject to a detailed dormouse mitigation strategy being secured by condition. Reptile surveys have recorded a good population of slow worms and a low population of grass snake, though the timing and methodology of the surveys mean that reptile numbers may be

underestimated. A detailed reptile mitigation strategy would therefore be required to demonstrate how impacts will be avoided, mitigated and compensated during construction and operation of the development.

Bat surveys indicate a high level of bat activity across the site, including during the peak maternity period, and confirm usage by a wide range of species, including light-sensitive and Annex II species such as greater horseshoe, lesser horseshoe and barbastelle bats, along with other species of conservation concern. Concerns are raised regarding the assessment of mature trees for bat roost potential, with further information required to demonstrate that trees with potential roosting features will not be adversely affected by the development. The Ecology Officer places particular emphasis on the need to maintain ecological connectivity across the site through the retention and enhancement of key landscape features, including boundary hedgerows and the historic east–west hedge bank. These features should be reinforced through the provision of continuous dark corridors and habitat buffers, with a minimum five-metre buffer along key boundaries and an expanded bat corridor wrapping around Gerway Farm to maintain permeability for bat movement.

In order to ensure that lighting does not adversely affect bats and other protected species, a detailed Lighting Impact Assessment will be required as a pre-commencement condition. This assessment must consider both internal and external lighting, as well as indirect light sources such as vehicle headlights, glare and reflections, and must demonstrate compliance with Devon County Council's guidance on maintaining dark corridors for bats. The lighting strategy would need to clearly show that bat-sensitive corridors and boundary habitats will remain unlit and functionally connected. In addition, a Construction and Ecological Management Plan will be required to set out measures to protect protected species and habitats during the construction phase, including provisions for bats, dormice, reptiles, nesting birds, hedgehogs and badgers.

With regard to biodiversity net gain, the submitted metric indicates that the development has the potential to deliver in excess of the mandatory ten per cent BNG requirement on site. However, the Ecology Officer identifies shortcomings in the baseline information, including the absence of habitat condition assessment sheets, photographs and detailed UK Habitat Classification mapping, and raises concerns about the feasibility of achieving some proposed habitat conditions, particularly species-rich grassland in areas of high public use. These matters will need to be addressed through the submission of further baseline data and soil nutrient testing, and through the preparation of a detailed Habitat Management and Monitoring Plan. The HMMP will need to demonstrate how proposed habitats and ecological enhancements will be delivered, managed and monitored over a minimum 30-year period to ensure compliance with the mandatory BNG regime. A financial contribution towards BNG monitoring is also recommended to be secured through a planning obligation.

Overall, the Council's Ecology Officer concludes that subject to the recommended planning conditions and obligations being imposed, including detailed species mitigation strategies, lighting controls, habitat management and monitoring, and a biodiversity net gain monitoring contribution, the proposed development can adequately mitigate impacts on protected species, safeguard ecological connectivity

and deliver biodiversity enhancements in accordance with local and national policy. There is therefore no objection to the proposal on ecological grounds.

Ecology - Derogation tests

Licences from Natural England will be required for likely impacts on protected species such as bats and dormice. Natural England can only issue a licence if the following tests have been met:

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

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site, the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the council's ecologist there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Residential Amenity

A key consideration is the substantial difference in ground levels between the application site and the existing residential area. Properties within Claremont Field are positioned on steeply rising land at an elevation of approximately 70 metres Above Ordnance Datum, whereas the northern boundary of the application site lies considerably lower, at around 38–40 metres AOD. As a result, the existing dwellings sit some 20–30 metres above the northern edge of the development site, which constrains the potential for new homes to result in overlooking of those properties.

In addition, indicative details show that building heights can be carefully controlled along the northern and eastern boundaries, where the site adjoins Claremont Field and Gerway Close. Development in these locations is proposed to be limited to a maximum of two storeys, with a height of up to 9.0 metres, while the taller 2.5-storey buildings are indicated in the central part of the site. This approach ensures that

higher elements do not become visually dominant or result in undue overlooking of neighbouring properties.

The illustrative masterplan also demonstrates the provision of a wide green and blue infrastructure corridor along the northern edge of the built development. This landscaped buffer accommodates sustainable drainage features, including attenuation basins, and provides a meaningful physical and visual separation between the proposed dwellings and the established residential area. Dwellings along this edge are arranged with active frontages, such as front doors and principal windows, addressing this open space rather than having rear gardens backing onto existing properties. Officers consider this to represent a more sympathetic and appropriate transition than the current urban fringe relationship characterised by rear boundary fencing.

Taking into account the pronounced change in levels, the restriction of building heights at the site boundaries, and the inclusion of a substantial landscaped buffer, it is considered that the living conditions of neighbouring residents would be adequately protected. Officers are satisfied that any detailed matters relating to separation distances, orientation, and fenestration can be appropriately addressed at the Reserved Matters stage, ensuring full compliance with Local Plan Policies D1 and D2.

Affordable Housing

The provision of affordable housing is a central objective of the Council, reflecting its commitment to ensuring that residents have access to decent, inclusive and genuinely affordable homes. The relevant policy framework is set out within the adopted East Devon Local Plan (2013-2031), where Strategy 34 requires residential developments to deliver affordable housing at a rate of 25% within the Built-Up Area Boundary (BUAB) of Ottery St Mary and 50% for developments located outside the BUAB. In addition, the emerging Second Regulation 19 Local Plan (2020-2042) identifies the eastern part of the site as Draft Allocation Otry_21, which carries an indicative requirement of 30% affordable housing provision.

The application site is currently located outside the BUAB. However, the applicant contends that the acknowledged housing land supply deficit, together with the status of part of the site as a draft allocation, justifies a blended approach to affordable housing provision. On this basis, the proposal seeks to deliver up to 56 affordable homes, equating to 40% of the total development. This figure is derived by applying the emerging plan requirement of 30% affordable housing to the 70 dwellings within the draft allocation area, alongside the adopted Local Plan requirement of 50% affordable housing for the remaining 70 dwellings considered to be windfall development. The Council's Housing Enabling Officer has confirmed that this approach is acceptable in policy terms, subject to the scheme adhering to the parameters of the draft allocation.

In terms of tenure, Strategy 34 sets out a target split of 70% social or affordable rented housing and 30% affordable home ownership (intermediate housing). While the applicant has indicated that the precise tenure and size mix of the affordable

housing would be finalised at the Reserved Matters stage, the Housing Enabling Officer has advised that any provision must align with the 70/30 split in order to address identified local housing needs. The applicant has confirmed their intention to deliver affordable homes that are tenure blind and fully integrated within the wider development, with units dispersed throughout the site to support the creation of a balanced and inclusive community.

To ensure the long-term sustainability and inclusivity of the affordable housing provision, a number of specific requirements will need to be secured. All affordable dwellings will be required to meet Building Regulation M4(2) standards, ensuring that they are accessible and adaptable to meet the needs of a wide range of occupants over time. Affordable homes should be arranged in small clusters, generally comprising no more than ten units, to avoid excessive concentrations and to promote social integration. In addition, each affordable dwelling must be provided with electric vehicle charging points, or the necessary infrastructure to enable future provision, in accordance with current standards.

In conclusion and having regard to the Presumption in Favour of Sustainable Development set out in paragraph 11(d) of the National Planning Policy Framework, the proposed delivery of 56 affordable homes represents a very substantial social benefit. Given the significant housing shortfall across the district, and the need for smaller and more affordable homes within Ottery St Mary, this level of provision attracts significant weight in the overall planning balance. Should planning permission be granted, the final quantum, tenure mix, accessibility standards and delivery of the affordable housing will be secured through a Section 106 legal agreement.

Trees

The application is accompanied by an Arboricultural Impact Plan, a Tree Survey Schedule and an Indicative Tree Planting Strategy. These documents demonstrate that the site is subject to relatively limited arboricultural constraints, although the trees that are present are of note. In particular, the site includes a Category A English Oak (T1) located to the north-west of Gerway Farm, together with a notable Ash tree (T2). The applicant confirms that no trees will be lost as a result of the proposed development. The layout has been carefully arranged to retain the majority of existing boundary vegetation, with only a limited break of approximately 11.5 metres required within an existing hedgerow to accommodate the proposed access road. The submitted Green and Blue Infrastructure Parameter Plan (ref. 24-54-PL-205) is presented for approval in order to secure the long-term retention of these strategic tree assets, while the Illustrative Masterplan demonstrates how they would be successfully incorporated within areas of public open space.

Appropriate measures are proposed to ensure that the retained trees are adequately protected throughout the design and construction phases of the development. All tree protection is to be undertaken in full accordance with British Standard BS 5837:2012, *Trees in relation to design, demolition and construction*. The Root Protection Areas of retained trees are to be treated as inviolable, with no excavation permitted within these zones unless it can be clearly demonstrated to be absolutely

necessary. To reinforce this approach, it is recommended that a pre-commencement condition be imposed requiring the submission of a comprehensive set of underground service plans to ensure that any trenching or service installation does not conflict with tree pits or Root Protection Areas. In addition, suitable protective fencing would need to be erected prior to the commencement of any site works. Long-term management of both retained and newly planted trees would be secured through a Habitat Management and Monitoring Plan and a Landscape and Ecological Management Plan, ensuring appropriate maintenance and monitoring for a minimum period of 30 years.

The Council's Tree Officer raises no objection in principle to the proposals but identifies two matters for refinement. Firstly, the Officer recommends that a greater separation distance be achieved between the Category A Oak (T1) and the proposed access road, noting that the alignment could be shifted westwards to allow the tree to become a defining landscape feature of the development rather than an incidental roadside tree. Secondly, the Officer advises that there is no justification for excavation works within the Root Protection Area of the Ash tree (T2), particularly given the overall size of the site. The Tree Officer also supports the opportunity for substantial new tree planting across the site and recommends a focus on large-canopy species in order to maximise long-term amenity value and canopy cover, consistent with the objectives of the Devon Tree Strategy.

Overall, from an arboricultural perspective, the proposal is considered compliant with Local Plan Policy D3. The development would result in a clear net gain in tree numbers, quality and species diversity, with no loss of existing trees and an indicative proposal for 86 new trees. Subject to amendment of the road alignment to afford greater protection to the Category A Oak, and the imposition of conditions to ensure strict adherence to BS 5837, the development is considered capable of delivering a balanced relationship between the proposed housing and the site's existing natural assets.

Best and Most Versatile Agricultural Land (BMVAL)

Policy EN13 of the Local Plan sets out that BMVAL (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry. It goes on to say that planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either: sufficient land of a lower grade is unavailable or that available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or that the benefits of the development justify the loss of high quality agricultural land. The Framework which states in paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Local Plan policy EN13 is therefore broadly consistent with the Framework with regard to this matter.

The councils own mapping systems show that the site is covered by Grade 2 and Grade 3 land. A separate study has not been submitted by the applicant to establish

if this Grade 3 land is 3a or 3b but given its closeness to the Grade 2 classification it is likely to be of a higher grade. Therefore, Grade 3a land cannot be ruled out and potential loss of 3a and the recognised loss of Grade 2 weighs against the scheme given the above objectives of policy EN13 and the NPPF.

The applicant asserts there is an "overriding need" for residential development due to the district's significant housing shortfall. They highlight that the Council has already accepted the loss of high-quality land at this location by including the eastern half of the site (Otry_21) as a draft allocation. The applicant argues that all land immediately surrounding the Ottery St Mary settlement boundary is either Grade 2 or Grade 3. They claim no suitable lower-grade land is available to meet the town's housing requirements.

The Ward Member and Town Council strongly object to the loss, describing it as "serious and irreversible harm". They argue that building on "prime green fields" contradicts the Council's declared climate emergency and that once the land is built over, it is "lost for good".

Whether there is an overriding need for the development relative to the potential loss of BMVL will be returned to in the planning balance. However, this proposal would result in the direct loss of Grade 2 land, with loss of 3a not discounted. Whilst part of the site is a preferred allocation this proposal seeks substantially more land. The fact that other land in and around Ottery may also be BMVL does not diminish the quality or need to retain this land. Therefore, this BMVL loss weighs against this scheme.

Mitigation secured via a S106

Strategy 50 (Infrastructure Delivery) of the LP seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts.

Without prejudice, if a resolution of approval is made a s106 would be drafted to secure the following;

1. Affordable Housing

- **Provision:** The delivery of 40% affordable housing, equating to 56 units.
- **Details:** The agreement must secure the final quantum, tenure mix (e.g., social/affordable rent and intermediate products), accessibility standards, and a "tenure-blind" delivery schedule.

2. Financial Infrastructure Contributions

- **Pebblebed Heaths SPA:** A per-dwelling financial contribution toward the Pebblebed Heaths Special Protection Area mitigation strategy to address recreational pressure.

3. Highways and Sustainable Travel

- **Off-site Highway Works:** Funding and delivery of off-site works, including a new 2m wide footway constructed within the verge on the western side of Sidmouth Road to link the site to Gerway Close.
- **Travel Plan:** Measures to implement and monitor the Framework Travel Plan, including the appointment of a Travel Plan Co-ordinator to promote sustainable transport options.

4. Green Infrastructure and Ecology

- **Management and Maintenance:** Securing the long-term (minimum 30-year) management and maintenance of all on-site Public Open Space (POS), Sustainable Drainage Systems (SuDS), and ecological mitigation areas.
- **Funding Mechanism:** A committed sum or legal funding mechanism for a management body (such as the Town Council or a private company) to ensure the future viability of these spaces.
- **Habitat Management and Monitoring Plan (HMMP):** Legal commitment to implement the requirements of the HMMP, including monitoring reports to be submitted to the Local Planning Authority

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It seeks a £44,600 contribution towards health services. However, the request is not considered to be robustly justified to warrant such a contribution, at this time.

Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of these designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of

funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

In summary on the ecology issues there is suitable on site mitigation proposed. The wildlife corridors allow for suitable foraging and habitats. Off site mitigation on European designated sites can be secured. BNG can also be secured. Therefore, these ecology issues do not weight against the scheme.

Planning Balance and Conclusion

The starting point for assessment is the development plan. The application site lies outside the Built-Up Area Boundary of Ottery St Mary and the proposal therefore represents a departure from the spatial strategy of the adopted East Devon Local Plan (2013–2031), conflicting with Strategies 7 and 24 and Neighbourhood Plan Policies NP1 and NP4. However, the Council cannot currently demonstrate a five-year housing land supply, standing at 3.5 years against an annual requirement of 1,168 dwellings. In those circumstances, the policies most important for determining this application are out of date and paragraph 11(d) of the NPPF is engaged. The tilted balance applies: planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Benefits

The scheme would deliver up to 140 dwellings, including 56 affordable homes at a blended rate of 40%, in a district with a pressing and acknowledged housing shortfall of 1,746 dwellings against the five-year requirement. The delivery of affordable housing at this level is a very substantial social benefit, particularly given the identified local need for smaller and more affordable homes in Ottery St Mary. The eastern part of the site is identified as draft allocation Otry_21 in the emerging Local Plan, which constitutes a formal acknowledgement by the Council that this location is, in principle, suitable, viable and deliverable for residential development. Short-term construction employment and economic activity would also result.

The scheme incorporates a new 2-metre wide footway along Sidmouth Road — together with public rights of way improvements, a Framework Travel Plan, and a Construction Traffic Management Plan, all to be secured by condition or S106. Ecological impacts are capable of mitigation, EPS licensing requirements are met in principle, and biodiversity net gain above the mandatory 10% threshold is achievable, all subject to pre-commencement conditions. Archaeological concerns have been resolved following submission of an acceptable Written Scheme of Investigation. Substantive S106 contributions toward the Pebblebed Heaths SPA, healthcare, and long-term green infrastructure management would further offset potential harm to local infrastructure and European designated sites.

Harms

The following harms have been identified and are weighed against those benefits:

Landscape and design. The proposal extends development materially beyond the draft allocation boundary, into land that the Council's own site selection process rejected on grounds of landscape impact and unacceptable countryside intrusion. The Council's Landscape Architect maintains a holding objection, concluding that the development would result in substantial adverse visual effects on the immediate setting of the site, particularly for users of footpath PWR 50 and residents of Claremont Field and Gerway Close, and that pedestrian and cycle connectivity to the town centre is inadequate. Further, the access road is in close proximity to T1 (Oak tree) which diminishes its relevance and importance. These harms are accepted as real and immediate. However, the Landscape Architect also accepts that adverse effects would be localised and diminish rapidly with distance, and that the wider landscape and East Devon National Landscape would not be adversely affected. The question under the tilted balance is not whether the layout is optimal but whether the landscape harm is of sufficient severity to outweigh the benefits of delivery. The officer view is that it is not. The reserved matters process will provide a further and meaningful opportunity to address the specific layout concerns, including the recommended 25-metre setback of the western development edge, improved landscaping buffers, and the detailed design of pedestrian and cycle connections. This harm is accordingly given moderate weight against the scheme.

Flood risk. The site partially intersects Flood Zones 2 and 3. All proposed residential development and primary access routes are located within Flood Zone 1, with higher-risk areas reserved for water-compatible open space. However, secondary pedestrian routes cross areas of flood risk, meaning that the sequential test is engaged and, having regard to the availability of other preferred allocations around Ottery St Mary capable of accommodating the quantum proposed, the sequential test has not been passed. This conflict with the Framework is a material harm. However, in accordance with the High Court judgment in *Mead Realisations Limited v SSLUHC [2024] EWHC 279 (Admin)*, failure of the sequential test is not automatically fatal and does not obviate the need to weigh that failure in the planning balance. Having done so, and having regard to paragraph 11(d)(i) of the NPPF, the flood risk policies engaged do not provide a strong reason for refusing the development, given the significant benefits of housing delivery and the fact that all built residential development is sited within Flood Zone 1. This harm is given limited to moderate weight against the scheme.

Employment land. The proposal does not include employment-generating uses as required by adopted Strategy 31 for large-scale major residential developments of 4 hectares or more. This weighs against the scheme. However, Strategy 31 applies a rigid pro-rata formula that is in tension with the NPPF's emphasis on flexibility and deliverability, and is therefore afforded reduced weight. The recent grant of outline permission for 2,640 sq. m. of employment floorspace adjacent to the Finnimore Industrial Estate (ref. 23/2077/MOUT) partially alleviates the employment land deficit in Ottery St Mary, though it does not remove the adopted policy requirement. On balance, moderate harm is attributed to the absence of employment provision, and this weight is tempered accordingly.

Agricultural land. The development would result in the permanent loss of Grade 2 and, likely, Grade 3a Best and Most Versatile agricultural land, contrary to Policy

EN13 and NPPF paragraph 187. Once lost, this land cannot be recovered. This harm weighs against the scheme, though it is a consequence inherent to virtually all greenfield development in this locality, where land of lower agricultural grade is not available.

Scale and departure from the emerging plan. The proposal seeks 140 dwellings across approximately 7 hectares, compared to the 70 dwellings across 2.37 hectares envisaged through draft allocation Otry_21. It therefore represents a 100% uplift over the draft allocation and extends into land expressly rejected through the site selection process. The emerging Local Plan is at Regulation 19 stage and attracts limited weight pending examination. The housing numbers in both the adopted and emerging plans represent minimum requirements, not caps, and the tilted balance requires the scheme to be assessed on its specific merits rather than by reference to a strategic allocation process that has not yet been tested through examination. The departure from the emerging plan's evidence base weighs against the scheme but is not determinative given the limited weight attributable to pre-examination emerging policies.

The Balance

Having weighed the above, the planning balance is finely poised but resolves in favour of approval. The very substantial benefits of delivering 140 homes, including 56 affordable units, in a district with a pressing shortfall of 1,746 dwellings attract considerable weight. The identified harms, principally landscape impact on the immediate setting, failure of the sequential test, the absence of employment provision, loss of Best and Most Versatile agricultural land, and departure from the emerging plan's evidence base, are each real and acknowledged. However, assessed individually and cumulatively, they do not significantly and demonstrably outweigh those benefits in the terms required by paragraph 11(d) of the NPPF.

The recommendation is therefore a resolution to **approve**, subject to the completion of a Section 106 legal agreement, the adoption of an Appropriate Assessment, and the conditions set out below. All matters of layout, scale, appearance and landscaping are reserved for subsequent approval, at which stage the detailed design concerns raised by the Landscape Architect — including the western development edge setback, landscape buffering, and pedestrian and cycle connectivity — must be comprehensively addressed.

RECOMMENDATION

Resolution to APPROVE, to adopt the Appropriate Assessment and subject to the completion of a s106 and subject to the following conditions

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

4. The vehicular access hereby approved shall be constructed prior to occupation of the first dwelling and in accordance with drawing 24021-010-C. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with this plan for the lifetime of the development.

(REASON: To ensure a safe and satisfactory means of access, to provide adequate visibility from and of emerging vehicles and prevent mud and other debris being carried onto the public highway, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

5. No development shall commence until a detailed scheme for the provision of a continuous 2-metre wide footway within the highway verge on the western side of Sidmouth Road, providing a direct link between the site's eastern pedestrian access (PRoW 51) and the existing footway at Gerway Close, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority).

The submitted scheme shall include:

Full construction details to an adoptable standard;

Plans for the relocation of the existing lamp column currently situated within the verge;

A timetable for the implementation of the works.

No dwelling hereby approved shall be occupied until the approved footway link has been constructed in its entirety in accordance with the approved details and made available for public use in perpetuity

Reason: To ensure a safe and suitable means of access for pedestrians and to provide a convenient, attractive route to the town centre and primary school, thereby promoting sustainable modes of travel and reducing reliance on the private car in accordance with Strategies 5B and 43 and Policies TC2 and TC4 of the East Devon Local Plan and Policy NP9 of the Ottery St Mary and West Hill Neighbourhood Plan. The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic.

6. The development shall be carried out in strict accordance with the Ecological Assessment by Bennu Environmental Limited dated November 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4.29 to 4.68. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. integrated bat boxes (1 per 2 dwellings),
- b. bird boxes (1 per dwelling)
- c. insect bricks (1 per dwelling)
- d. hedgehog highways [13 cm² at ground level every 5 m
- e. Reptile/amphibian hibernacula (for the whole site)
- f. Ecological mitigation planting as detailed have been installed/constructed, and compliance with any protected species licences (including the Natural England Mitigation Licence required for Dormice), and ecological method statements in accordance with details within the submitted LEMP and CEcoMP.

REASON: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

7. No development work shall commence on site until a Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

- a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological management aims and objectives for the site.
- e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
- Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
- g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
- i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- j) Arrangements for inspection and monitoring of the site and maintenance practices.
- k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- m) Each phase of the planting works shall be overseen by a professionally qualified landscape architect or horticulturist independent of the planting contractor. The

landscape architect/ horticulturalist shall provide a signed certificate at practical completion of the planting works and at the end of the first-year maintenance period (final completion) confirming they are complete and in accordance with the approved details. Copies of the signed certificates shall be forwarded to the LPA within one month of their issue.

n) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

o) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) Policy D3 (Trees in relation to development) and Policy TC4 (Footpaths, bridleways and cycleways) of the East Devon Local Plan). The condition is pre commencement to establish a baseline condition survey for existing trees and hedgerows before they are potentially damaged by site works.

8. A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. This should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.

- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

The development shall be carried out in accordance with the approved soil resources plan.

Reason – Pre commencement is required to evaluate soil conditions prior to construction in order to protect soil sources and contribute towards meet sustainability targets, in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

9. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

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

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

REASON: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5

(Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and to prevent inappropriate connection to the public sewerage system, to protect the health & safety of existing and future residents, and prevent pollution of or detriment to the environment. Such details are need prior to the construction phase.

10. No development shall commence (including any vegetation clearance, soil stripping, or groundworks) until a detailed Reptile Translocation Strategy in accordance with .GOV advice and Herpetofauna Groups of Britain and Ireland (HGBI) Evaluating local mitigation/translocation: best practice and lawful standards guidance has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by the findings of the approved reptile survey and shall include:

- a. A plan showing the location and extent of all areas to be fenced for translocation, including soil stripping, storage, and construction compound zones;
- b. Specifications for reptile fencing, including installation method, dimensions, and maintenance schedule;
- c. Details of the receptor site located within East Devon, including habitat suitability, enhancement measures, and long-term management;
- d. A timetable for the erection of fencing, placement of refugia, and duration of translocation (minimum 60 suitable days);
- e. Capture and release protocols, including weather and seasonal constraints;
- f. Procedures for destructive search and site clearance following translocation;
- g. Monitoring and reporting arrangements, including criteria for completion of translocation and submission of a closure report to the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved strategy.

Reason: To ensure the protection of reptiles in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan and the Conservation of Habitats and Species Regulations 2017. The condition is pre commencement to ensure protection prior to the construction phase.

11. Prior to or as part of the reserved matters a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), shall be submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors of a minimum 10 m width along the western and southeastern boundaries (incorporating the bat sensitive corridors) remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), to be achieved without reliance

upon measures which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

REASON: To ensure that the development has no adverse effect on protected and notable species, and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031). The condition is pre commencement to ensure lighting is incorporated into the reserved matters.

12. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted Ecological Assessment (including Biodiversity Net Gain Assessment at Appendix 4) dated November 2025 and prepared by Bennu Environmental Limited, the approved Biodiversity Gain Plan, and the approved Illustrative Landscape Masterplan (The Richards Partnership, Drawing no. 24-54-PL-207 Rev B) and shall include the following:

- a. Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c. A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- d. The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e. The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f. Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - I. Existing trees, woodland and hedgerows/banks.
 - II. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - III. New trees, woodland areas, hedges and amenity planting areas.

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

- g. The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h. Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- j. Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- k. The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

1. Notice in writing shall be given to the Council when the HMMP works have started.
2. No occupation shall take place until:
 - a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - b. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.
 - c. The appropriate monitoring contribution has been paid.
3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
4. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

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

a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Land at Gerway Farm, St Mary Flood Risk Assessment & Drainage Strategy (Report Ref. 25228-RLL-25-XX-RP-C-0010, Rev. P06, dated 23rd April 2026) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

The surface water drainage strategy shall be implemented in accordance with the approved details prior to occupation of the dwelling(s) to which the scheme relates and maintained for the lifetime of the development.

REASON: In order to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), National Planning Policy Framework, Planning Policy Guidance and policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

14. No development shall commence until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to ensure satisfactory disposal of surface water in compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This condition is pre commencement to ensure that suitable surface water discharge is in place to accommodate the development.

15. Prior to commencement of development a strategy detailing the provision to be made for foul water drainage and the disposal of sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o The estimated volume of waste water from the development at full occupation;
- o Any temporary arrangements and the final foul drainage scheme and its management and operation;
- o A construction quality control plan;
- o A timetable for construction;

Reason: To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This is pre commencement to ensure that the impact on the public sewerage network is fully understood and any necessary upgrades are agreed upon at an early stage to prevent hydraulic overload and pollution.

16. Prior to development continuing above slab level on any dwelling a Water Conservation Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings shall be able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Optional Requirement G2. The approved strategy shall be implemented in full accordance with the approved details prior to first occupation of any residential dwelling and thereafter shall be retained. Where practical each dwelling shall be served by water butts with a capacity of 110 litres per bedroom.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 161, 163 and 164 of the NPPF and adopted policy Strategy 3 (Sustainable Development) of the East Devon Local Plan. The details secured by this condition are considered

essential to be agreed prior to the commencement of development of any dwelling on the site so that appropriate measures are put in place to achieve the strategy.

17. There shall be no raising of ground levels within the published Flood Zones 3 and 2 (including climate change) associated with the watercourse located within the northern boundary of the development site. (Reason: To safeguard the natural function of the watercourse and floodplain to store and convey floodwaters, in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan and the National Planning Policy Framework).

18. The development shall proceed in accordance with the Written Scheme of Investigation prepared by Isca Archaeology (document ref: R01-0132-4 V 1.2 and dated: 13th March 2026) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme. Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.

19. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority. Reason - To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

20. Prior to commencement of development the Planning Authority shall have received and approved a Construction Management Plan (CMP) which shall be implemented and remain in place throughout the development. The CMP shall include:

1. Traffic Management elements to include:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, and no such

vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

2. Environmental elements to include:

- a. Air Quality
- b. Dust
- c. Water Quality
- d. Lighting
- e. Noise and Vibration
- f. Pollution Prevention and Control
- g. Monitoring Arrangements

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

REASON: To minimise the impact of the development on the highway network in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031 and to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan. This condition is pre commencement to to protect existing residents from noise, dust, and light pollution during works.

21. Prior to occupation of any of the dwellings hereby approved details of secure cycle/scooter storage facilities shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the cycle and bin storage facilities for that dwelling has been provided in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy TC2 (Accessibility of New Development) the East Devon Local Plan.

22. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.
- o The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- o Identify the main types of waste generated when development is occupied.

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

23. Prior to any building being occupied or brought into use, all works necessary to improve the public water distribution network – in order to safely and adequately accommodate the increase of supply to the development – shall have been completed and confirmed in writing to the Local Planning Authority (or within 18 months from the grant of the final reserved matters, whichever shall be the sooner).

Reason: To ensure the development can be suitably supplied with potable water prior to occupation and to prevent adverse impact upon the public water supply system, to protect the health & safety of existing and future residents.

24. Prior to the commencement of development it shall be evidenced to, and agreed in writing by the Local Planning Authority, whether or not the South West Water foul and surface water (combined sewer) sewerage infrastructure that this development would link into has adequate capacity to deal with the foul sewage generated by this development and its surface water run off. If it is identified that upgrade works are required to ensure adequate foul sewage capacity and surface water drainage capacity, no dwelling shall be occupied until the upgrades to the foul sewage and surface water infrastructure have been completed to the written satisfaction of the Local Planning Authority unless alternative means of adequately dealing with foul drainage have been agreed in writing by the Local Planning Authority and implemented in full.

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage and surface water discharge outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

25. No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by four sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) Surface water drainage details in so far as they impact on landscape, incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of existing and proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements or root protection areas.

f) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.

g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works within an Arboricultural Method Statement submitted to and approved in writing by the Local Planning Authority prior to commencement.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan). This condition is pre commencement as site level profiles and sections must be fixed before earthworks or retaining structures are built to prevent adverse impacts on surrounding properties

26. The development hereby permitted shall be carried out in accordance with the following approved parameter plans:

1. Land Use Parameter Plan (Drawing no. 24-54-PL-204 Rev C).
2. Green and Blue Infrastructure Parameter Plan (Drawing no. 24-54-PL-205 Rev C).

All applications for the approval of Reserved Matters shall reflect the principles and parameters set out in these plans, including:

- a) The restriction of all built residential development to the areas identified as "Maximum Extent of Residential Development" (totalling no more than 3.74 hectares);
- b) The retention and provision of the strategic green infrastructure corridors and Sustainable Drainage System (SuDS) attenuation areas;
- c) The preservation of the functional floodzone by ensuring no vulnerable development takes place within the identified Flood Zones 2 and 3, which shall be reserved for water-compatible uses;

Reason: To define the extent of the development and ensure that the detailed design respects the assessed landscape and ecological constraints, safeguards the natural function of the watercourse to store and convey floodwaters, and provides high-quality green infrastructure in accordance with Strategies 5 (Environment), 7 (Development in the Countryside), and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031, and Policy NP1 (Development in the Countryside) of the Ottery St Mary and West Hill Neighbourhood Plan.

27. No development shall commence until a detailed scheme for the improvement and upgrading of the surface of Public Right of Way (PRoW) OSM 50 (within the parameters of the application site) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Devon County Council Right of Way Officer.

The submitted scheme shall include:

1. Full construction specifications and details of the proposed surfacing materials;
2. Proposals for drainage provision to mitigate erosion and ensure the path remains usable during wet periods;
3. Details of how the upgrades will retain the rural character of the footpath while accommodating intensified use;
4. A timetable for the implementation of the works.

The development shall thereafter be carried out in full accordance with the approved details, and no dwelling hereby approved shall be occupied until the surface improvements to PRoW 50 have been completed and made available for public use. (Reason: To ensure that the public rights of way network is suitably enhanced to accommodate the significant increase in footfall generated by the development and remains accessible and usable year-round, in accordance with Strategies 5B and 43 and Policy TC4 (Footpaths, bridleways and cycleways) of the East Devon Local Plan and the National Planning Policy Framework, which requires planning decisions to protect and enhance public rights of way and access. This condition is pre commencement to ensure that details are considered at an early stage and incorporated into the construction.

Plans relating to this application:

Site Location Plan ref. 24-54-PL-202 A

Access Plan 240201-010-C

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

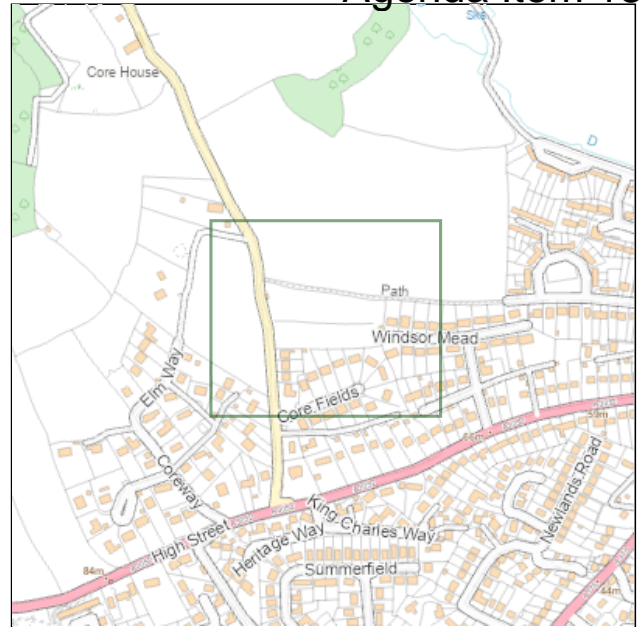
Ward Sidmouth Sidford

Reference 25/0356/MOUT

Applicant Mr P Aubery (Tavistock Green Ltd)

Location Land East Of Burscombe Lane Sidford
Sidmouth EX10 9SG

Proposal Residential development for up to 15 dwellings
(outline application seeking approval of details
of access only)



RECOMMENDATION: Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment



		Committee Date: 12.05.2026	
Sidmouth Sidford (Sidmouth)	25/0356/MOUT	Target	Date:
		29.05.2025	
Applicant:	Mr P Aubery (Tavistock Green Ltd)		
Location:	Land East Of Burscombe Lane Sidford		
Proposal:	Residential development for up to 15 dwellings (outline application seeking approval of details of access only)		

RECOMMENDATION: Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

This application is brought before the Planning Committee as the proposal represents a departure from the adopted East Devon Local Plan. The officer recommendation is also contrary to the position of the town council and commenting ward members regarding the proposal.

The site comprises a field extending to approximately 1.08 hectares in area located on the northern edge of Sidmouth (Sidford) within the designated East Devon National Landscape (NL).

The site has a western road frontage boundary with Burscombe Lane. A public footpath connecting the latter to Higher Brook Meadow extends along its northern boundary. Existing residential development in Burscombe Lane and Core Fields to the south and in Windsor Mead to the east borders the site.

The application seeks outline planning permission for a residential development comprising up to 15 dwellings alongside provision of open space, drainage infrastructure and ancillary operations. All detailed matters, with the exception of those relating to access, are reserved for later consideration.

The submitted details show access to the development to be taken off Burscombe Lane with a new entrance formed in place of an existing field gateway, visibility splays created and a footway connection to the existing footway along the eastern side of Burscombe Lane provided.

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Sid Valley Neighbourhood Plan, resulting in a

clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the Council's current inability to demonstrate a five-year housing land supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), notwithstanding the relevance of policies that seek to protect areas such as NLs that can mean that it need not be applied, there is a presumption in favour of sustainable development in such circumstances.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no other significant contextual objections to the proposed development or technical issues that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

On balance and having regard to the significant housing land supply shortfall, the benefits of delivering housing, including affordable homes, are considered to outweigh the identified harms.

It is therefore recommended that the application be approved subject to conditions and completion of a Section 106 agreement to secure the necessary mitigation and infrastructure.

CONSULTATIONS

Local Consultations

Parish/Town Council

OBJECT:

Members objected to the proposed application, as it raised significant concerns regarding access, landscape impact, and ecological harm.

1. Access Issues

Burscombe Lane was a narrow and constrained rural lane, unsuitable for increased traffic from a development of this scale. The expected additional vehicle movements would exacerbate congestion and pose safety risks to pedestrians, cyclists, and existing road users. The proposed access did not comply with local transport policies and failed to provide adequate infrastructure for safe and sustainable access.

2. Landscape Impact

The site lies within a designated National Landscape, where development should be strictly controlled to protect its natural beauty. The proposal did not adhere to the Sid Valley Local Plan, the Neighbourhood Plan, or national planning policies (NPPF), which emphasised the protection of valued landscapes. The introduction of housing in this location would cause irreversible harm to the rural character and scenic quality of the area. The proposed development appeared to conflict with several policies outlined in the Sid Valley Neighbourhood Plan Specifically:

Policy 9: Residential Development within Built-Up Area Boundaries (BUAB)

This policy supports residential development within the BUAB. Development outside these boundaries was generally restricted to specific exceptions. If the proposed site lies outside the BUAB, it would not conform to this policy.

Policy 10: Exception Sites

This policy allows for small-scale residential developments of up to 15 homes on land immediately adjacent to the BUAB, provided certain criteria are met:

Local Connection: Homes should be occupied by individuals with a local connection.

Affordable Housing: At least 66% of the development should consist of affordable housing.

Design and Character: The development must be in keeping with the area's character.

If the proposed development did not meet these criteria, it would not align with Policy 10.

Policy 7: Local Distinctiveness

This policy emphasised that new developments should respect and enhance the local landscape character. Given that the site was within a designated National Landscape, any development that adversely affected the landscape's natural beauty would be inconsistent with this policy.

3. Ecological Concerns

The site supported a rich variety of hedgerow and wildlife, including protected species and important habitats. Increased development pressure would lead to habitat loss, disturbance, and fragmentation, contrary to biodiversity objectives set

out in both local and national policies. No sufficient mitigation measures had been demonstrated to offset these ecological impacts.

This application was inappropriate due to its failure to provide safe access, its detrimental impact on the protected landscape, and its disregard for ecological preservation.

Sidmouth Sidford - Cllr Stuart Hughes

Access to this site via Burscombe lane is extremely restricted as the lane is very narrow allowing only single car access with no continuous pavement for the numerous hikers who walk up to Core Hill woods. Currently the lane has very little traffic and there are substantial stone walls belonging to private dwellings which does not allow for any widening of the road. There would therefore be insufficient access for machine and personnel for this development. Alongside this the junction of Burscombe Lane and Sidford High Street on the busy County primary route A3052 which sees over 20,000 daily traffic movements and is also an abnormal loads route and diversion route when the A30 is closed is a dangerous junction due to poor visibility of approaching traffic when exiting, and several blind spots when turning into Burscombe Lane. The same would apply to Windsor Mead which is a very narrow Cul-de-sac. Because of this I recommend rejection of this application on the grounds of access plus I also believe this development would cause unacceptable disruption for the existing residents of Burscombe Lane Windsor Mead and Corefields.

Sidmouth Sidford - Mike Goodman

I have read the application for the above application 25/0356. For the following reasons I object to the development.

The access to the site is via Burscombe Lane which is very narrow and restrictive, having visited I can only see this as single car access.

This is often used for pedestrians and could be deemed unsafe.

Having reviewed the site it is unlikely that passing lanes can be installed or widening, stone walls will restrict changes.

The junction Burscombe Lane and Sidford High Street is a very busy County primary route of the A3052 which sees in excess of 20,000 traffic movements a day.

The junction does not give good availability to traffic movements.

I recommend that the current application is rejected.

Technical Consultations

County Highway Authority

Observations:

I have visited the site and reviewed the application documents.

The application is outline only therefore I will not comment upon the internal site layout.

However, I am satisfied that the addition of 15 dwellings upon the edge of Sidford with a fairly quick dispersal onto the A3052, a regular bus service, local facilities and services and a link to the developing Sidford Valley cycle route will not create a trip generation intensification problem.

The proposed access will need to conform to our current best practice design guidance, Manual for Streets 1 and 2, with a visibility envelope of 2.4m as the 'X' distance by 'Y' direction of 43m in each direction, with a 'Z' height visibility of clearance above 0.6m.

The Public Right of Way (PROW), running along the northern boundary of the site should provide an alternative, non-vehicular route to the centre of Sidford, bus stop, local services and facilities.

I have checked our road collision data, a running 5 year period, currently at January 2019 - December 2023, and there are no recorded collisions within the vicinity of Burscombe Lane.

I would also recommend that should this application be approved any reserved matters application includes secure cycle storage per dwelling to encourage sustainable travel and help mitigate against the vehicle trip generation from this development.

Addendum 18/02/2026

The CHA has reviewed the amended access arrangement plans which have been slightly altered in response to the Transport Technical Objection Note.

The 'X' distance has been slightly altered to ensure sufficient visibility in both directions is provided. An extended section of widened carriageway north of the proposed access has now been provided, whilst also extending the footway. I am satisfied these alterations will help facilitate the successful operation of this development. Our consultee stance remains unchanged.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns in relation to access

D.C.C. Historic Environment Team

My ref: ARCH/DM/ED/40852a

I refer to the above application. The proposed development site lies in a landscape where prehistoric activity is recorded in the county Historic Environment Record. Archaeological investigations undertaken on the southwest of Sidford has revealed evidence of prehistoric settlement and funerary activity. The road that runs through the village lies on the alignment of the Roman road leading westward from Charmouth to Exeter and there is the potential that that site may contain evidence of Romano-British settlement in this landscape too. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

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

Natural England

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

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

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

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

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

Housing Strategy/Enabling Officer

Thank you for consulting the Housing Enabling Team on the above application. Percentage of Affordable Housing - under current policy Strategy 34 of the East Devon Local Plan, a requirement for 50% affordable housing will be required. Tenure - Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

Sid Valley Neighbourhood Plan

Policy 11 of the adopted Neighbourhood Plan states that on schemes of 10 units or more, a minimum of 50% of homes must be affordable.

Policy 12 sets out the unit size mix of market, intermediate and rented housing as a percentage of each bedroom size.

Policy 13, Local connection criteria needs to be included in the S106 agreement.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team to ensure a mix that meets local housing needs as identified in the Sidmouth housing needs assessment and Devon Home Choice. I note all dwellings will be compliant with NDSS and they must also meet M4(2) standards.

Layout - the affordable housing should be dispersed across the scheme in clusters of no more than 10. The development should promote social cohesion and a mixed and balanced community.

Council Plan 2024 - 2028 - East Devon District Council wants to increase the availability of social and affordable housing in the district.

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I appreciate that the layout is only illustrative at this stage however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB) and to conform with both local and national planning guidance.

o

I appreciate the reference to 'secured by design' within the Design and Access Statement (DAS) and support that such principles have been considered in the scheme.

o

Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided as it increases the risk of crime and ASB.

o

Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

o

Boundary treatments to the front of dwellings and around apartment blocks are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate. Defensible space enables occupants to control the space immediately around their plot.

o

Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates.

o

Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

o

Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

o

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

I note the inclusion of a small rear parking court in the illustrative layout. Generally rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance. However, I appreciate this only serves four plots.

Further guidance relating to designing out crime for residential developments can be found on the Secured by Design website, www.securedbydesign.com.

Should the application progress, please don't hesitate to contact me to review any updated plans and designs.

EDDC Landscape Architect

Amended access works as shown on dwg. nos. JG05 rev. E and JG07 rev. A are generally acceptable subject to the following points being addressed:

o Drawing JG05 rev. E shows the proposed hedge bank north of the site access extending onto the RPA of tree T01 (large cat. A oak). The District Tree Officer should be consulted in respect of this.

o The proposed stone-faced Devon hedge bank is not inappropriate given the use of stone in the banks along Burscombe Lane in the vicinity of the site, but construction is a specialist skill and will require a suitably skilled and experienced specialist sub-contractor.

o The extent of new road/ footway and associated kerbing into the site to be approved as part of this outline application should be limited to 12m from the junction (measured from junction road markings), in order to allow for realignment of the site access road beyond this southwards, enabling the overall layout to shift southwards to provide an adequate buffer between the northern boundary and proposed rear gardens as noted in my original comments.

2.2 Layout

No changes to the illustrative site layout have been made in response to my previous comments. While the application is outline with all matters except access reserved, given the constraints and sensitivities of the site it is important to demonstrate that a

satisfactory layout can be achieved allowing for an adequate buffer to be provided to the northern boundary and to avoid a straight access road through the site which is out of character with the rural context.

3 CONCLUSION & RECOMMENDATIONS

Further clarifications and amendments are required in respect of the access proposals as noted in section 2.1 above.

The illustrative layout should be amended to demonstrate that the issues referred to in section 2.2 can be satisfactorily addressed.

Should the application be approved, a further condition would be required for details of the proposed hedge bank construction together with details of the proposed hedge bank contractor and stone supplier to be submitted to the LPA for written approval prior to commencement of hedge bank works.

EDDC Trees

Following receipt of further information I can confirm that I that I have no objection to the proposal from a tree perspective. The proposed visibility splay and hedge bank to the north of the access point will fall in the RPA of an A category Oak. However, the incursion is minor, and original access point to the field is located in this area which is likely to have been compacted to some degree from historical use and from the addition of compacted hardcore at the site entrance thus likely restricting root growth to some degree in this area. With appropriate ground protection in place within the RPA of the tree, it is considered that the removal of the existing hedge bank and reinstatement of the new hedge bank should not cause significant harm to the tree.

DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that relevant pre-commencement planning conditions are imposed on any approved permission.

Observations:

The applicant have submitted Proposed Residential Development on Land at Pendle Hill, Sidford, Sidmouth, EX10 9SG (Report Ref. J-3186, Rev. 03, dated 04th July 2025) to support the 15 dwellings residential development.

It was mentioned that infiltration testing were carried out in 4 trial pits on 25th October 2023. The testing failed to record a significant drop in surface water level. The evidence provided by the applicant indicates that all 4 trial pits failed the infiltration testing.

Due to the failed infiltration testing, the applicant propose to manage the surface water runoff via an attenuation tank as shown in Surface Water Drainage Layout (Drawing No. 3001, Rev C, dated 16th June 2025). The applicant currently ruled out the use of above-ground feature due to the 3.5m easement required by South West

Water for their potable water mains. The applicant also confirmed that the site is allocated in the Draft East Devon Local Plan under Policy Sidm-31. Although it is intended to build 15 dwellings, the layout of the site development and the number of dwellings shall be considered to identify whether any above-ground pond or basin can be proposed for the proposed development site in detailed design.

The submitted greenfield runoff rate calculation indicates an area of 0.354ha (0.387ha with 10% urban creep) and the associated greenfield runoff rate, Q_{bar} is 2.77ls.

It is proposed to discharge the surface water runoff to a nearby surface water sewer via requisition. The applicant have provided evidence that there is agreement in principle from the owner or South West Water to discharge into their system.

There appears to be a surface water flow path to the north of the site, the applicant should ensure that the proposed site does not impact on the flow path.

Other Representations

40 representations of objection have been received, including a representation from the Sid Vale Association.

Summary of Grounds of Objection

1. Site lies outside of Built-up Area Boundary for Sidmouth and is therefore, in planning terms, open countryside.
2. Contrary to Local Plan Strategy 7 and a departure from the Plan's spatial strategy.
3. Contrary to Local Plan exceptions site Strategy 35 that requires min. 66% affordable housing.
4. Tenure mix falls short of 50% requirement in Local Plan Strategy 34.
5. Relies upon draft policy requirements in emerging Local Plan that is not in force; draft allocation of site carries limited weight at best.
6. Conflict with Sid Valley Neighbourhood Plan Policies 9 and 10.
7. Lack of 5 year housing land supply does not make every draft housing allocation acceptable.
8. Draft emerging Local Plan cannot formally supercede the neighbourhood plan until adoption.
9. Harmful incursion into National Landscape (Area of Outstanding Natural Beauty).
10. Proposal is 'major development' within meaning of NPPF paragraph 177 and therefore engages requirement to refuse permission.
11. No exceptional circumstances or matters of public interest exist to justify development.
12. Need for housing can be met outside of the National Landscape.
13. Burscombe Lane is inadequate to serve further development owing to lack of continuous footway and insufficient width in vicinity of site.
14. Off-site highway mitigation proposals are inadequate; no footway provision to make up a 20m gap or other solutions explored.
15. Additional traffic and pedestrian movements that will be generated would increase safety risks.
16. Proposed new entrance would concentrate traffic at the junction with Burscombe Lane; consideration needs to be given as to how two vehicles would pass without causing traffic to back up along the lane.

17. Visibility at the Burscombe Lane/Sidford High Street junction is inadequate to safely accommodate more traffic emerging from it.

18. Concern that attenuation tank will exacerbate flooding risks to Windsor Mead given failure of nearby drainage infrastructure.

19. Site introduced into emerging Local Plan at a late stage having been previously rejected.

PLANNING HISTORY

Reference	Description	Decision	Date
81/P0184	Building Sites For 14 Dwellings.	Refusal	24.03.1981

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

Strategy 2 (Scale and Distribution of Residential Development) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 26 (Development at Sidmouth) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

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

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

H2 (Range and Mix of New Housing Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP02 (Levels of future housing development) Draft

Strategic Policy SP03 (Housing requirement by Designated Neighbourhood Area)
Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy SD06 (Sidmouth and its development allocations) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Strategic Policy HN02 (Affordable housing) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

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

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

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

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Made Sid Valley Neighbourhood Plan 2018-2032 Policies (made 7/11/19)

Policy 1 (Sid Valley Development Principles)

Policy 6 (Infill Development, Extensions and Trees)

Policy 7 (Local Distinctiveness)

Policy 9 (Residential Development)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site comprises a field of broadly oblong configuration, laid to pasture at the time of the officer site visit, that extends to approximately 1.08 hectares in area. It is located on the northern edge of Sidmouth (Sidford) just outside of the Built-up Area Boundary (BuAB) of the town as defined in the adopted East Devon Local Plan but within the designated East Devon National Landscape.

Its western boundary mostly comprises a Devon bank and forms a frontage onto Burscombe Lane, an unclassified highway that extends north off the A3052 (Sidford High Street). Burscombe Lane itself features residential properties; however, it also gives access to a shared private driveway to the rear of properties that front Sidford High Street. It also provides access to Corefields, a cul de sac that extends off it to the east.

The section of Burscombe Lane from its junction with Sidford High Street to a point just north of the junction with Corefields is essentially of two vehicle width with a footway along its eastern side. However, to the north of this point the road carriageway narrows to single vehicle width with no footways, aside from a short section along the front of three bungalows (Dovey House, Uphill and Pendle Hill) along its eastern side.

The southern site boundary also mainly borders the rear gardens of properties in Corefields as well as the side boundary of Dovey House. Also forming part of the National Landscape boundary, it largely consists of managed hedges

The eastern boundary, which also comprises managed hedges, also forms the side boundaries of nos. 13 and 14 Windsor Mead, positioned at the end of a residential cul de sac consisting mainly of bungalows and chalet style dwellings to the south and north, respectively, of a turning circle.

The northern boundary is with a public footpath (no. 50) that connects Burscombe Lane and Higher Brook Meadow. It exhibits a hedge and a line of trees of varying maturity. However, none are the subject of statutory protection in the form of a tree preservation order.

The site, which falls relatively gently from west to east, occupies a comparatively elevated position on the side of Core Hill. It forms part of a wider landscape that is of Landscape Character Type 3A - Upper Farmed and Wooded Valley Slopes, the key characteristics of which include:

- well-treed pastoral farmland with some arable cultivation on lower slopes
- wide, species-rich hedges with many hedgerow trees
- very winding narrow lanes, many sunken with high banks and flower-rich verges
- relatively remote and tranquil with little obvious modern development

Proposed Development

The application seeks outline planning permission for a residential development of the site comprising up to 15 dwellings.

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

As such, the application is accompanied by access details for formal consideration at this stage. These take the form of an illustrative site layout plan together with layout and section details. These show the proposed vehicular access to the prospective development positioned close to the south western corner of the site just to the north

of Dovey House and in close proximity to an existing field access off Burscombe Lane.

The indicative layout details also show an area of wildflower planting alongside part of the southern boundary of the site, retention of boundary vegetation and the setting aside of an area near to the south eastern corner for surface water attenuation infrastructure. It also shows two potential access links to the adjacent public footpath.

The submission also includes draft heads of terms for a prospective section 106 agreement. These relate to the provision of affordable housing (35% direct provision with 15% by way of a commuted payment to meet the 50% policy requirement), the provision of open space and the setting up of a management company.

Considerations/Assessment

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

Principle of Development/Five Year Housing Land Supply

Strategies 1 (Spatial Strategy for Development in East Devon) and 2 (Scale and Distribution of Residential Development) of the adopted East Devon Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns. The latter include Sidmouth, which has a BuAB defined in the Plan, as referenced above.

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

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

However, the proposal in this case is not 'community led' nor facilitated by any policy contained within the made Sid Valley Neighbourhood Plan (NP).

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

On account of the above, residential development in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed weight given that protection of the countryside (and more especially the National Landscapes), preventing sporadic development and ensuring suitable growth, are amongst the main objectives of the Local Plan.

However, the need for housing over the next five years is a crucial consideration in planning decisions. The National Planning Policy Framework (2024) (NPPF) requires that local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Appeal decisions over the course of recent months have shown that even if a site is not allocated in the current plan or is outside development boundaries, housing proposals can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict, they would not unbalance communities and are within reasonable reach of an appropriate level of services and facilities.

East Devon can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF, thereby falling significantly short of the current five-year requirement.

Anticipated housing completions over the next five years suggest continued underperformance against statutory requirements. Projections indicate an accumulating deficit unless swift action is taken to accelerate delivery. Adjustments to policies encouraging smaller and garden land windfall developments may provide incremental supply boosts.

The council must address the housing supply deficit to align with NPPF requirements and support the adoption of the emerging Local Plan by 2026.

The latest Annual Housing Monitoring Report underscored the urgent need for strategic action to enhance housing delivery and mitigate risks associated with supply shortfalls. Proactive planning and policy adjustments are critical to meeting future housing demands and regulatory requirements.

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the District, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance that maintaining a healthy supply of housing means to the Council and its ability to retain control over key planning decisions.

The 2024 NPPF as a material consideration

The NPPF is a material consideration in the determination of planning and related applications. Paragraph 11d) states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - the application of policies in (the) Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear, where the policies of the Local Plan are out of date, which is the case here in the absence of a five-year housing land supply, then the so called 'tilted balance' is applied, i.e. a presumption in favour of a grant of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

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

However, the Sid Valley NP, having been 'made'/adopted in November 2019, has formed part of the development plan for around six years. Furthermore, the document does not contain policies and allocations that meet the identified housing requirement. It is not therefore considered that it can be argued, on the basis of paragraph 14, that any adverse impacts of permitting the development in this case (in conflict with the NP) would significantly and demonstrably outweigh the benefits.

Impact upon National Landscape and Presumption in Favour of Sustainable Development

As set out above, the 'tilted balance' applied by NPPF paragraph 11d) is qualified by policies in the Framework that protect areas or assets of particular importance where these provide a strong reason for refusing development.

Among these policies are those that relate to National Landscapes.

Within such areas (as well as areas subject to other landscape designations), paragraph 189 of the NPPF requires that great weight should be given to conserving and enhancing their landscape and scenic beauty and confers upon them the highest status of protection in relation to these issues.

Paragraph 190 states that, when considering applications for development within these areas, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

For these purposes, whether a proposal is 'major development' is a matter for decision makers, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated.

In this case, the application site is shown as a Housing Allocation in the 'Regulation 19' version of the Draft Emerging East Devon Local Plan 2020-2042 that was the subject of public consultation earlier this year.

The provisions of Strategic Policy SD06 (Sidmouth and its development allocations) reflect this and allocate the site for a 'small scale development' accommodating 'around 15 new homes'. Further provisions of the draft policy recognise the National Landscape location of the site and its relationship to adjacent predominantly single storey dwellings and state that 'only single storey dwellings will be appropriate'. It also 'expects that access for all road users would be off Windsor Mead.'

Its inclusion within the document follows the assessment of sites for allocation carried out by the Council's Strategic Planning Committee in 2024.

Among the assessment's conclusions was the following:

'This site could be brought forward if developed at a yield in keeping with adjoining densities. Although the site is within the National Landscape, there is existing housing directly to the east (Windsor Mead) and the south (Core Fields and along Burscombe Lane), which would help shield any development. Landscape impact would be high-medium, heritage impact low and a significant moderate adverse effect predicted on ecology.'

Sitting behind the Publication draft of the emerging Plan is a topic paper titled 'Major Development in National Landscapes'. It sets out how 'major development' in the context of a National Landscape has been identified and assessed in relation to site allocations.

As is evident from paragraph 190 of the NPPF, referred to above, the identification of 'major development' in a National Landscape in this context is open to interpretation by decision makers to take into account local factors.

The topic paper sets out how the NPPF has been interpreted for the Local Plan in light of the particular characteristics of the National Landscapes within East Devon.

The assessments consider whether development of the allocation sites have the potential to have a serious adverse impact on the natural beauty of a National Landscape by reason of its scale, character or nature. This has been necessary to avoid a situation where an allocation could be undeliverable because it was incapable of meeting the NPPF tests on 'major development'.

However, it does not mean that no further assessment is necessary as part of the development management process because the precise nature of the proposed development will have an impact on planning judgements about the actual impact on a National Landscape.

Where it is concluded that an allocation would constitute 'major development' in the context of a National Landscape, the NPPF (at paragraph 190, as referred to above) requires an assessment of whether there are 'exceptional circumstances' to justify the development 'in the public interest'.

The NPPF sets out three tests to assist such an assessment:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The topic paper also therefore includes this assessment.

In relation to the application site, the principal conclusions are that:

- in terms of its setting the immediate context is the settlement edge to the south and east (mainly single storey detached dwellings) with open fields to the north and west
- the site is seen in the context of the wider urban area, which rises up the hill to the south and east
- the landscape makes some contribution to local landscape character, but the immediate context is the settlement edge
- there is no significant adverse impact on the purposes for which the area is designated as National Landscape
- the scale of impacts identified from allocation of the site is considered to be minor

As such, subject to development being limited to single storey housing as required by emerging Draft Local Plan Policy SD06, it is not considered to constitute 'major development' for the purposes of paragraph 190 of the NPPF.

In such circumstances it is not necessary for an 'exceptional circumstances' assessment to be undertaken to justify the need for the development having regard to the wider public interest.

Principle of Development - Conclusion

It is considered therefore, in light of the above, that the 'tilted balance' presumption in favour of sustainable development set out at paragraph 11d) of the NPPF is engaged in this case.

The site is an allocated site for housing within the emerging Local Plan. Whilst the Local Plan carries limited weight at this stage it nevertheless indicates that the Council have determined that this is a suitable site for housing development.

Moreover, for the purposes of NPPF paragraph 189, the proposal has been found not to comprise 'major' development within such an area. As such, there is no requirement to apply the 'exceptional circumstances' test set out in NPPF paragraph 190.

In the circumstances therefore and having regard to the fundamental requirement to increase housing land supply, it is considered that the principle of residential development of the site would be acceptable. Although there is an acceptance that the emerging Local Plan currently remains at a comparatively early stage in the process towards adoption, it is indicative of the broad direction of travel in policy terms and the allocation of the site follows a robust appraisal of many sites for potential inclusion in the Plan going forward.

Impact upon Character and Appearance of National Landscape

Paragraph 189 of the NPPF confers upon NLs, along with other designated landscape areas, the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty and states that great weight should be given to these objectives in the control of development within them.

This is reinforced by the provisions of adopted Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs) as well as, more generically, Policy D1 (Design and Local Distinctiveness) which, among other criteria, require that proposals respect the area's key characteristics and special qualities and do not adversely affect important landscape characteristics.

Furthermore all relevant authorities, including local planning authorities, have a statutory duty under section 245 of the Levelling-up and Regeneration Act to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions.

Many of the findings as to the likely impact of development of the site upon the designated NL have been incorporated within the topic paper 'Major Development in National Landscapes' referred to above.

Furthermore, notwithstanding this and the initial shortcomings of the applicant's landscape visual impact assessment identified by the Council's Landscape Architect (which have for the most part now been addressed), it is agreed that the principle of development could be acceptable subject to appropriate design and mitigation measures. In addition, with the quantum of development not being fixed at this stage, there may be some flexibility to negotiate a slight reduction in the number of units proposed at the reserved matters stage if considered necessary.

The outstanding issues raised by the Landscape Architect in relation to the site layout, in particular the achievement of a suitable landscape buffers between development and the northern site boundary with the public footpath and the spine road and the southern boundary, would also be capable of being considered further at the same reserved matters stage. Equally, the detailed alignment of the spine road itself, so as to avoid the straight access road shown indicatively on the layout drawing, and the extent of the footways entering the site from Burscombe Lane,

could be considered further later in the process in the event of this outline application being approved.

The submission of details of the proposed hedge bank construction required by the Landscape Architect could also be secured by condition.

On this basis it is considered that the proposal would meet with the Local Plan strategy/policy provisions referenced above.

Design/Layout/Scale/Appearance

As all details aside from those relating to means of access to the development are reserved for later approval, there is little by way of any other fixed detail to consider at this stage.

However, the submitted indicative details show a layout centred upon a spine road cul de sac extending eastwards off of Burscombe Lane running close to, and parallel with, the southern site boundary. A turning head is shown at the end of the road with a further short private driveway extending towards the northern boundary, at which point the potential pedestrian connection to the public footpath referred to above is indicated.

A similar, albeit longer, spur road is also shown extending north off of the spine road nearer to the entrance to the site with a second potential connection to the public right of way again indicated.

An area of wildflower planting is shown extending alongside the southern boundary as far as an area within the south eastern corner shown as being set aside for the proposed surface water attenuation infrastructure.

The layout also shows a mix of detached, semi-detached and terraced units arranged around the spine road and two spur roads with attendant off-road parking, part of this shown around a communal courtyard with much of the remainder defined in a series of tandem layouts.

Although the quantum of development is not intended to be fixed at this stage, it is accepted that a scheme of up to/around 15 dwellings would likely represent an acceptable density of development given the site area of just over 1 hectare, whilst also allowing for the land shown to be set aside for the wildflower planting and surface water drainage attenuation installation.

Strategic Policy SD06 of the emerging Local Plan states that development of "only single storey dwellings will be appropriate" on the site given that it is viewed "in the context of an area of predominantly single storey dwellings". It also states that "the site will require very careful planning and use of materials to take full account of both the immediate context and views from the wider landscape, particularly when viewed from higher land to the east, and only single storey dwellings will be appropriate."

This is particularly important in view of the comparatively elevated hillside position of the site, with some of the principal views towards it being from the A3052 on Trow Hill to the east of Sidmouth at similarly elevated levels, referred to above.

It is therefore accepted that the development could be laid out and designed so as to satisfy the requirements of Local Plan Strategy 46 and Policy D1 in regard to these matters.

Impact upon Neighbour Amenity

Open countryside to the north and west of the site beyond the public footpath and Burscombe Lane, respectively, is such that any development would not impact any neighbouring or nearby properties in these directions.

Similarly it is felt that, in combination, the existing hedge screening and the wildflower planting shown indicatively alongside the southern and eastern site boundaries would provide sufficient separation between the development and the adjacent residential properties in Burscombe Lane, Core Fields and Windsor Mead so as to mitigate any potential adverse overlooking/privacy or other amenity impacts upon the occupiers; particularly so if the development (or at least part of it) were of single storey form.

On this basis, it is accepted that the proposal would satisfy one of the key criteria of Local Plan Policy D1 (Design and Local Distinctiveness) that requires that development avoids any such impacts.

Highways/Access/Parking

The nature of Burscombe Lane, which is of single vehicle width with limited footway provision to the north of the junction with Corefields, is recognised, as is the considerable objection that has been received on the basis of its perceived capacity and suitability to accommodate the increase in the number of vehicle movements, as well as pedestrian activity, that would be generated by the proposed development.

However, no objections are raised to the proposal by the County Highway Authority (CHA) on the grounds of any anticipated adverse impact upon highway or pedestrian safety conditions or in relation to the development resulting in a trip generation intensification problem. This is owing to the proximity of the site to the A3052 as well as local services and facilities and public transport routes, including the developing Sid Valley cycle route at Sidford.

It is also recognised by the CHA that accessibility could be further enhanced if the detailed proposals that come forward at reserved matters stage incorporate connection(s) to the adjacent public footpath located to the north of the site, that could provide an alternative, non-vehicular route to the centre of Sidford, bus stop, local services and facilities.

In addition, the CHA's road collision data for its latest 5 year period shows no recorded collisions in the vicinity of Burscombe Lane.

The CHA is also satisfied with the submitted access details for the scheme.

Although not a matter for consideration at this outline stage, there is also no known reason why any detailed proposals for the site could not incorporate sufficient levels of parking provision for prospective occupiers and visitors.

Strategic Policy SD06 states that "it is expected that access for all road users (to the allocated site) would be off Windsor Mead".

However, access to the site off Windsor Mead would not currently be possible without the development of third party land that currently forms part of one, if not two, gardens attached to nos. 13 and 14 Windsor Mead beyond the turning head at the end of the western branch of that cul de sac over which the applicants have no control.

Burscombe Lane itself does provide a level of footway connectivity. However, this extends from Sidford High Street as far north as Corefields beyond which the road carriageway narrows to single vehicle width at which point there is a section, extending to around 30 metres in length, where there is no footway, there is then a further length of footway along the frontages of Dovey House, Uphill and Pendle Hill, as referenced above.

It is acknowledged, in the absence of any proposal to provide access to the development from Windsor Mead, that this represents a shortfall of the proposal as the lack of pavement for this 30m stretch means it would be a less attractive pedestrian route, especially when dark, leading to greater dependence on use of the private car.

In the circumstances therefore, and in line with the CHA's consultation comments, it is recommended that the details submitted at reserved matters stage should incorporate points of connection from the development to this footpath in line with the details shown on the submitted indicative site layout plan so as to provide some mitigation of the issues relating to the inadequacy of Burscombe Lane to properly accommodate the additional pedestrian movements that would likely be generated by the development. It should be noted however that this public footpath is unmade and unlit and would not be an attractive route when dark or wet/muddy.

The lack of a safe pedestrian route to local services at all time weighs negatively in the planning balance.

Foul and Surface Water Drainage

It is proposed to discharge foul drainage from the development via an existing mains sewer.

The proposed surface water drainage strategy, as stated above, involves below ground attenuation prior to discharge to a surface water sewer. This would comprise the installation of an attenuation tank within the south eastern corner of the site.

The scheme has been designed to accommodate the 1 in 100 year plus 50% climate change event plus 10% urban creep and calculations to demonstrate this have also been provided.

It has also been demonstrated to the satisfaction of Devon County Council's Flood Risk Management Group, as Local Lead Flood Authority (LLFA), that infiltration

testing has revealed that discharge to ground (principally via soakaways) would not be feasible owing to very low percolation rates.

Evidence has also been provided of South West Water's agreement that there exists capacity for an attenuated discharge to its surface water sewer.

It is therefore accepted that the proposed attenuated discharge represents the next sequentially preferred means of discharge having regard to the hierarchy of means of surface water runoff discharge solutions and, as such, is acceptable to the LLFA.

A condition is therefore recommended by the LLFA to secure the submission for approval of, among other things, a detailed drainage design based upon the submitted flood risk assessment. It is expected that these measures be incorporated within the required design.

However, the LLFA require that the site layout and number of dwellings proposed be considered at the detailed submission stage to identify whether any above-ground pond or basin can be incorporated within the proposed development of the site and any such changes to the overall strategy incorporated within the reserved matters application.

On this basis, it is accepted that the proposals would comply with the provisions of Local Plan Policy EN22 (Surface Run-Off Implications of New Development).

Ecology and Biodiversity Net Gain

The application is accompanied by an ecological impact assessment (EclA) report together with a biodiversity net gain (BNG) statement and statutory metric.

The EclA report sets out measures for both the mitigation of the impacts of the proposed development and ecological enhancement.

The former includes:

- Protection of retained hedges and trees, most notably the Oak tree within the Burscombe Lane frontage boundary hedge (close to the proposed access to the site, during construction)
- As shown on the illustrative layout plan, the creation of a c. 40 metre length native species-rich hedge within the centre of the site together with a c. 150 metre native species-rich hedge along the rear of gardens at the north of the site
- Buffers to retained hedges to enable appropriate management, with all areas outside of private residential ownership to be managed by a management company, and to retain 'dark corridors' for bats
- Hedge removal (with ecological supervision) to be appropriately timed to avoid the main bird nesting season with either a single or two stage approach to clearance to establish, under a Natural England mitigation licence, the extent of any impact upon local dormouse population

The latter comprises the installation of integrated bird nest and bat boxes and bee/insect bricks on each dwelling.

In relation to BNG the submitted calculations, based on the illustrative layout, indicate that the proposals would achieve a net gain of c. 27% or +0.58 area habitat units and c. 12% or +1.40 hedgerow units with all biodiversity gains created on site.

This would be via the proposed total 190 metre length hedge planting referred to above which, as a consequence, would result in the creation of significant on site gains thereby requiring the need to be secured legally for a 30 year minimum period from completion of the development by way of a habitat management and monitoring plan (HMMP).

A grant of planning permission would be subject to the statutory Biodiversity Gain Condition as well as the conditions recommended by the Ecologist relating to the carrying out of the mitigation and enhancement measures set out in the EclA and the provision of an HMMP. Further conditions are also recommended to secure the submission for approval of a Lighting Design report and a Construction and Ecological Management Plan (CEcoMP).

Derogation test

The supporting information with the application has identified that a Natural England licence will be required due to the presence of a bat roost within the outbuilding to be converted.

Natural England can only issue a licence if the following tests have been met:

1. the activity to be licensed must be for imperative reasons of overriding public interest including those of a social or economic nature and/or beneficial consequences of primary importance for the environment or for public health and safety;
2. there must be no satisfactory alternative that will cause less harm to the species;
3. the activity must not harm the long-term conservation status of the species.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is unlikely to be licensed pursuant to the derogation powers and Article 12 of the Habitats Directive was likely to be infringed.

From the evidence it is considered that the development would result in social benefits through the provision of additional housing, including affordable housing, to meet identified needs. It would also provide economic benefits throughout the construction phase. Taken in combination these indicate that the proposal is imperative for reasons of overriding public interest.

As the works could not be undertaken in a manner that would avoid such harm or be transferred to another site, there is no satisfactory alternative.

Additionally, given that planning conditions could maintain the favourable conservation status of the protected species, it is plausible that a licence could be granted subject to an application being made.

Impact upon Trees/Hedges

As referenced above, boundary hedges and the Oak tree - categorised as an 'A' category specimen within the submitted arboricultural appraisal - within the western site boundary hedge alongside Burscombe Lane (the latter just north of the proposed site entrance) would be protected during the course of development by way of a scheme of tree protection fencing.

The operations to form the new site entrance, create the visibility splay to the north, translocate the hedge bank, infill the existing field gateway and widen the road carriageway of Burscombe Lane would in themselves involve works within c. 6.2% of the root protection area (RPA) of the Oak.

However, the extent of this incursion is considered to be minor. It is also recognised that the proximity of the existing field entrance to the tree is likely to have been subject to compacting from both its historical use and the addition of compacted hardcore that would have restricted root growth to some degree.

As such, subject to ground protection measures being implemented in accordance with a detailed arboricultural method statement to be submitted for approval, there are no objections to the proposal on arboricultural grounds.

The proposal would therefore satisfy the provisions of Local Plan Policy D3 (Trees and Development Sites).

Affordable Housing

It is proposed that affordable housing be provided by way of 35% on site provision alongside an 'off-site' financial contribution so as to satisfy the Local Plan Strategy 34 requirement for 50% provision.

Details of the intended tenure type/split have not been provided at this stage. Whilst Strategy 34 sets a target of 70% social or affordable rent accommodation and 30% shared ownership or intermediate housing, this could be established at the section 106 agreement stage.

Both the on-site provision and financial contribution would be incorporated within obligations forming part of a section 106 agreement.

This split and the proportions between direct provision on site and the payment of a financial contribution have been accepted as an appropriate means of securing a policy-compliant level of 50% affordable housing provision within schemes elsewhere throughout the District. It is therefore considered to be acceptable in this case.

Section 106 agreement obligations

The application submissions include draft heads of terms for a section 106 agreement to secure the following:

- o Affordable housing - 35% on site provision and 15% 'off site' financial contribution
- o On site open space implementation and management
- o Sustainable Urban Drainage system implementation and management

- o Habitat Regulations financial contribution towards mitigation of the effects of development upon European designated sites

Planning Balance

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Sid Valley Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the current inability to demonstrate a five-year housing land supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development in such circumstances, subject to impact on the National Landscape.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

In line with the assessment set out in the Major Development in National Landscapes topic paper it is not considered that the level of harm to, and therefore the scale of impact upon, the NL would be 'significant'. As such, it is thought that the 'tilted balance' presumption in favour of sustainable development set out at paragraph 11d) of the NPPF is engaged in this case as the application of policies in this Framework that protect areas or assets of particular importance (i.e. the NL in this case) is not considered to provide a strong reason for refusing the proposed development.

Pedestrian access to the site is limited; there are options that are likely to be used during daylight hours, but when dark, occupiers are more likely to be reliant on use of the private car. As such the site is not policy compliant in this regard. However, in recent appeal decisions Inspectors have judged locational based Local Plan policies to be out of date when the tilted balance is triggered, as in this case.

As such it is considered that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, with significant weight given to the provision of housing including affordable homes.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site financial contributions. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would

incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no technical objections raised that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

Habitat Regulations Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of designated European sites and the proposed development could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives, the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations. The definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution will be secured by way of obligations contained within a section 106 agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to Likely Significant Effects.

RECOMMENDATION

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED subject to completion of a Section 106 Agreement and the following conditions:
 1. Approval of the details of the layout, scale and appearance of the development and landscaping of the site (hereinafter called "the reserved matters") shall be

obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

4. The approved landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

5. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)

7. No development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

8. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the development and surrounding area,

which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

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

(a) A detailed drainage design based upon the approved Proposed Residential Development on Land at Pendle Hill, Sidford, Sidmouth, EX10 9SG (Report Ref. J-3186, Rev. 03, dated 04th July 2025).

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

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

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

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

(Reason - To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan (2013-2031).

10. Visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

(Reason - In the interests of ensuring the provision of adequate visibility from and of vehicles emerging from the site onto Burscombe Lane in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

11. No individual dwelling shall be occupied until secure cycle/scooter storage facilities for that dwelling have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local

Planning Authority. The approved facilities shall thereafter be retained in perpetuity.

(Reason - In the interests of promoting sustainable travel in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)

12. No individual dwelling shall be occupied until bin and recycling storage facilities for that dwelling have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained in perpetuity.

(Reason - In the interests of ensuring that adequate provision is made for the storage of recycling and refuse within the development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

13. The development shall be carried out in accordance with the Ecological Impact Assessment (Woodfield Ecology, January 2025), in particular the ecological mitigation and enhancement measures detailed in Table 15 and section 4.3. A written record completed by a qualified Ecologist shall be submitted to the Local Planning Authority prior to occupation of any part of the development to include records of compliance monitoring, supervised habitat removal (including dormouse licence return) and photographs of the installed ecological mitigation, compensation and enhancement measures including:

- a) integrated bat boxes (1 per dwelling)
- b) bird boxes (1 per dwelling)
- c) insect bricks (1 per dwelling)
- d) hedgehog highways (13 cm² holes at ground level)
- e) 10 m dark corridors along north and west boundaries

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

14. No development shall commence on site until a Lighting Design, including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the Local Planning Authority. The design shall clearly demonstrate that the northern and western hedge bank remain as dark corridors; i.e. at or below 0.5 lux (considering internal and external lighting). All external lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed without prior approval in writing from the Local Planning Authority.

(Reason - To ensure that the development has no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.) This needs to be a pre-commencement condition to ensure lighting impacts are mitigated from the outset of development.)

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

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

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

The Plan shall be prepared in accordance with the submitted Ecological Impact Assessment (Woodfield Ecology, January 2025), the approved Biodiversity Gain Plan, and associated details and shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by

management company or other defined body; and areas to be privately owned/maintained.

b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.

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

d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.

e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

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

i. Existing trees and hedgerows/banks.

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

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

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

i) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

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

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

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

(Reason - To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.) This needs to be a pre-commencement condition to ensure the site is not disturbed in advance of the survey work)

17. Prior to the commencement of any works on site (including demolition and site clearance or tree works), an Arboricultural Method Statement (AMS) for the formation of the vehicular access and the protection of the adjacent Oak tree shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
The AMS shall adhere to the principles embodied in B.S. 5837:2012 and shall indicate exactly how and when the tree will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

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

(Reason - A pre-commencement condition is required to ensure retention and protection of the tree during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031.)

18. The development hereby permitted shall be carried out in accordance with the measures for the protection of trees and hedges during the course of development set out in the Arboricultural Impact Assessment report (ref.: 2338/AIA Rev. A) dated 10th March 2026, and as shown on the accompanying Tree Protection Plan (ref.: 2338/TPP) prepared by Doug Pratt Tree Consultancy. Provision shall be made for the implementation of the approved protection measures prior to the commencement of development and the approved protection measures shall remain in place for the full duration of the development.

The following restrictions shall also be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - In the interests of ensuring retention and protection of trees and hedges on the site during and after construction in interests of amenity and to preserve and enhance the character and appearance of the area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031.)

19. The landscaping details to be submitted at the reserved matters stage shall include details as to the construction of the stone-faced hedge bank at the rear of the visibility splays shown on the approved plans. Development shall be carried out in accordance with the approved details and shall be completed within the first planting season following commencement of development unless an alternative timetable is agreed in writing with the Local Planning Authority

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

20. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation that has previously been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme.

(Reason - To ensure, in accordance with Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development. A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

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

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

22. The development hereby permitted shall take the form of single storey dwellings (and for the avoidance of doubt a chalet type bungalow is not regarded as a single storey dwelling).

(Reason - In the interests of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

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

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

[Plans relating to this application:](#)

(2)			Location Plan	17.02.25
JG07	REV	A	Sections	05.01.26
SECTION DRAWINGS				
JG05	REV	E	Other Plans	05.01.26
PROPOSED ACCESS/FOOT WAY PROVISION				

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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