

**Agenda for Planning Committee
Tuesday, 9th June, 2026, 10.00 am**



Members of Planning Committee

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

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Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Issued: Friday, 29 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, 2 June 2026 up until 12 noon on Friday, 5 June 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** (Page 4)

The speakers' list for the applications.

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

Minutes of the Planning Committee meeting held on 12 May 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 - 29)

Update from the Development Manager

Applications for Determination

8 **25/2502/FUL (Minor) BUDLEIGH & RALEIGH** (Pages 30 - 47)

Redundant barn adjacent to Burnthouse Cottage, Northmostown, Sidmouth.

Please note that this is a deferred application and public speaking will not be reopened.

9 **25/1259/MFUL (Major) HONITON ST MICHAELS** (Pages 48 - 75)

Former Mill Water School, Honiton Bottom Road, Honiton.

10 **25/2444/FUL (Minor) COLY VALLEY** (Pages 76 - 96)

Land south east of Townsend Plantation, Southleigh, Colyton.

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](#)

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Speakers registered for the planning applications

<p>Agenda item 8 Application number: 25/2502/FUL (Minor) Pages 30 - 47 Ward: Budleigh & Raleigh Address: Redundant barn adjacent to Burnthouse Cottage, Northmostown, Sidmouth Ward Members: Councillor Charlotte FitzGerald / Councillor Melanie Martin / Councillor Henry Riddell</p>
<p>Public speaking will not be reopened, as this is a deferred application for a site visit.</p>

<p>Agenda item 9 Application number: 25/1259/MFUL (Major) Pages 48 - 75 Ward: Honiton St Michaels Address: Former Mill Water School, Honiton Bottom Road, Honiton Ward Members: Councillor Violet Bonetta / Councillor Jenny Brown / Councillor Roy Collins</p>	
Objectors	Pennie Hartopp Tel: 07884 314 752 Anne Passmore Tel: 07912 762 686
Supporter	Jordan Rundle, Care Concern Group
Honiton Town Council	Councillor Robert Fowles
Applicant	Max Paddick, Frontier Estates
Ward Member	Councillor Roy Collins

<p>Agenda item 10 Application number: 25/2444/FUL (Minor) Pages 76 - 96 Ward: Coly Valley Address: Land south-east of Townsend Plantation, Southleigh Ward Members: Councillor Paul Arnott / Councillor Helen Parr</p>	
Objectors	Christopher Norman Tel: 07768 808 031 Nigel Cairns Tel: 01297 680 250
Agent	Lucy Brooke Tel: 01823 680 444
Ward Member	Councillor Paul Arnott

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 12 May 2026****Attendance list at end of document**

The meeting started at 10.00 am and ended at 5.55 pm. The meeting was adjourned for lunch at 1.55pm and reconvened at 2.30pm.

108 Minutes of the previous meeting

The minutes of the previous meeting held on 21 April 2026 were agreed as a true record.

109 Declarations of interest

113. 25/1150/MFUL (Major) BROADCLYST

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

117. 25/2468/MOUT (Major) OTTERY ST MARY

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

118. 25/0356/MOUT (Major) SIDMOUTH SIDFORD

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Ollly Davey, on behalf of the Committee, advised lobbying in respect of this application. Councillors Bailey, Barlow, Gazzard and Howe advised that they had also received a telephone call from the agent in respect of this application.

Non-Committee Member

115. 25/2502/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor Charlotte FitzGerald, Affects Non-registerable Interest, Known to the architect via their daughter's school.

115. 25/2502/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.

110 Matters of urgency

There were none.

111 Confidential/exempt item(s)

There were none.

112 Planning appeal statistics

The Committee noted the planning appeals statistics report and received an update on an appeal that had been decided relating to Greendale Business Park, planning application 25/0128/FUL. The Inspector had dismissed the appeal on public health mitigation reasons as the applicant had failed to demonstrate its fire and water management. In addition the Inspector concluded that the development would not have access to adequate services.

The Committee also received a brief post publication update on a dismissed appeal relating to planning application 25/0509/MOUT for up to 85 dwellings on land at Ottery Road, Feniton.

113 **25/1150/MFUL (Major) BROADCLYST**

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.

RESOLVED:

Approved with conditions in accordance with officer recommendation subject to:

1. An amendment to Condition 10 to change reference to 'developer' to operator and/or land owner'.
2. Additional condition to restrict the total number of battery units on the site to 108.

The exact wording of the above conditions was delegated to officers.

114 **25/0086/MFUL (Major) BUDLEIGH & RALEIGH**

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.

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Approved with conditions in accordance with officer recommendation subject to the completion of Section 106 obligations to secure affordable housing provision (including off-site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and subject to:
 - (i) Additional condition to require the submission and agreement of a water conservation strategy which shall include, where practicable, the provision of water butts with a capacity of 110 litres per bedroom.

- (ii) Additional condition to secure provision of footpaths within the southern section of the site that meets the east and west site boundaries, delivered prior to occupation of the 30th dwelling.
- (iii) Amendments to Condition 7 as suggested by the agent to allow the flexibility in delivery of ecological mitigation in phases.
- (iv) Additional Heads of Terms to be added to the Section 106 instruction to secure the delivery of the off-site footpath link to be built to an adoptable standard along the B3178 to link the footpath in front of Evans Fields, prior to occupation of the first dwelling.
- (v) Revised plans to be submitted where necessary to ensure they are all consistently showing the internal footpath links to the east and west site boundaries.

The exact wording of the above conditions was delegated to officers.

115 **25/2502/FUL (Minor) BUDLEIGH & RALEIGH**

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.

RESOLVED:

Deferred for a site visit to enable Members to consider the potential heritage harm and to allow the appropriate ecology assessment to be undertaken.

The Committee requested that the Conservation Officer should also attend the site visit if possible.

116 **25/2531/FUL (Minor) TALE VALE**

Applicant:

Mrs Susie Carter.

Location:

Blacksmiths Arms, Plymtree, 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.

RESOLVED:

Approved with conditions in accordance with officer recommendation.

117 **25/2468/MOUT (Major) OTTERY ST MARY**

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.

RESOLVED:

Refused contrary to officer recommendation for the following broad reasons:

1. Having regard to the extension of residential development to the west of the draft allocated site the development will have an adverse impact on the rural character of the area contrary to Strategy 46 and Policy D1 of the East Devon Local Plan 2013 to 2031, East Devon District Council emerging Local Plan 2020 to 2042, National Planning Policy Framework and Neighbourhood Plan.
2. The development will result in the loss of best and most versatile agricultural land and it has not been demonstrated that there is an overriding need for the development the benefits of which would justify the loss. As such the development is contrary to Policy EN13 of the East Devon Local Plan 2013 to 2031.
3. The development is located outside of the built-up area of Ottery St Mary, within the countryside. This significant development of 140 houses is contrary to the spatial strategy of the East Devon Local Plan and emerging East Devon Local Plan which seeks to focus development in East Devon's West End with development in towns such as Ottery St Mary focused and limited to that required to meet local needs and to maintain the vibrancy of the town. As such the development is contrary to Strategies 1, 2 and 7 of the East Devon Local Plan 2013 to 2031, East Devon District Council emerging Local Plan 2020 to 2042, the National Planning Policy Framework and the Neighbourhood Plan.
4. And reasons for refusal to reflect the fact that in the absence of a legal mechanism to secure the matters set out in the Section 106 Heads of Terms, the impacts of the development cannot be fully mitigated nor deemed to be policy compliant.

The exact wording of the reasons for refusal was delegated to officers.

118 **25/0356/MOUT (Major) SIDMOUTH SIDFORD**

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).

RESOLVED:

1. The Appropriate Assessment be adopted.

2. Approved with conditions in accordance with officer recommendation subject to completion of Section 106 obligations to secure affordable housing provision (including off-site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and subject to:
 - (i) An additional condition to secure provision of the pedestrian footpath link to join the existing footpath to the south prior to occupation of the first dwelling.

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

J Bailey
R Collins
P Faithfull
P Fernley
C Fitzgerald
V Johns

Officers in attendance:

Nigel Barrett, Senior Planning Officer
Wendy Harris, Democratic Services Officer
Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
Jamie Quinton, Senior Planning Officer
Gareth Stephenson, Principal Planning Officer

Councillor apologies:

K Bloxham
S Chamberlain

Chairman

Date:

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

Agenda Item 7

Ref: 25/1721/FUL **Date Received** 13.05.2026
Appellant: Mark Scorer
Appeal Site: Cosy Cow Shed Dalwood Devon EX13 7EB
Proposal: Change of use of existing dwellinghouse (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation
Planning Inspectorate Ref: 6009619

Ref: 25/0999/FUL **Date Received** 21.05.2026
Appellant: Joy Gardiner
Appeal Site: Coly House Swan Hill Road Colyford EX24 6HE
Proposal: Demolition of existing steel frame building, shed, driveway, driveway facing timber fence and highway facing timber face; Removal of Trees T8, A1, H1 and partial removal of A2; Relocation of the highway access and installation of new no-dig driveway; improvements to the highway boundary with erection of estate railings and extensive planting improvements; erection of detached dwelling.
Planning Inspectorate Ref: 6010068

Ref: 25/1000/LBC **Date Received** 21.05.2026
Appellant: Mrs Joy Gardiner
Appeal Site: Coly House Swan Hill Road Colyford EX24 6HE
Proposal: Alterations to highway boundary wall to facilitate relocation of vehicular access
Planning Inspectorate Ref: 6010071

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

Ref: 25/0180/OUT **Appeal Ref:** 25/00091/REF
Appellant: Mr Paul Gamble
Appeal Site: Land South of Knights Lane All Saints
Proposal: Outline application for proposed self-build dwelling and associated works (all matters reserved)
Decision: **Appeal Allowed** **Date:** 29.04.2026
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, accessibility, landscape and ecology reasons overruled (EDLP Strategies 3, 5, 5B, 7, 46, 47 and Policies TC2, TC4).

The Inspector acknowledged that the proposed development would not be in an appropriate location in relation to development plan policies regarding development in the countryside and access to services and facilities. The proposal therefore conflicts with EDLP Policy TC2 and Strategies 3, 5B and 7.

The Inspector also accepted that the proposed development would harm the character and appearance of the surrounding area and the natural beauty of the Blackdown Hills National Landscape. Although the harm would not be significant, there is conflict with EDLP Strategy 46.

However, the Inspector considered that as the Council is only able to demonstrate a housing supply of approximately 2.97 years, the lack of a sufficient supply of deliverable housing sites means that there is a presumption in favour of sustainable development and the approach set out in paragraph 11d) of the Framework applies.

The Inspector concluded that although the proposed development would conflict with various development plan policies and result in some harm, including to the Blackdown Hills NL, there is a clear need for housing in the district given the shortfall in supply. The proposal would also provide a self-build home and support the local economy and services, whilst the harm would not be significant. Accordingly, despite the great weight afforded to the conservation of the protected landscape, material considerations outweigh the harm that would arise and indicate that the development proposed should be permitted notwithstanding its conflict with the development plan as a whole.

BVPI 204: **Yes**
Planning 6002448
Inspectorate Ref:

Ref: 25/0057/OUT **Appeal Ref:** 25/00084/NONDET
Appellant: Mr Paul Hunt
Appeal Site: Land adjoining West Hayes Eastfield West Hill EX11 1GG
Proposal: Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping)
Decision: **Appeal Allowed** **Date:** 30.04.2026
(with conditions)
Procedure: Written representations
Remarks: Appeal against the failure of the Council to determine the application within the prescribed time limit.

Officer recommendation to advise the Planning Inspectorate that planning permission should be granted with conditions.

The Committee resolved that had a decision been made on the application it should have been refused. Strategic policy and countryside protection reason overruled (EDLP Strategies 1, 2, 6 & 7).

Application for a full award of costs against the Council refused.

The Inspector acknowledged that the proposal conflicts with the spatial strategy set out in Strategies 1, 2, 6 and 7 of the Local Plan. The appeal site also lies outside the BUAB for West Hill and is therefore in the countryside for policy purposes. The proposal therefore conflicts with the development plan when taken as a whole.

However, the Inspector considered that, as the Council can demonstrate only 2.97 years of deliverable housing land supply, the policies relating to the location of development are deemed to be out-of-date for the purposes of Paragraph 11(d) of the Framework. In these circumstances, 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.

The proposal is not in accordance with the Framework's expectation that development should be led by the development plan. However, the site is not physically or visually detached from the settlement and in this context, the proposal would not represent an isolated or sporadic intrusion into open countryside but would instead read as a logical rounding-off of the settlement. The conflict with the Framework is therefore limited.

As such, when assessed against the Framework as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. This means that the presumption in favour of sustainable development applies.

The Inspector concluded that the proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be allowed and planning permission granted.

BVPI 204: **No**
Planning 6001406
Inspectorate Ref:

Ref: 25/0509/MOUT **Appeal Ref:** 25/00094/REF
Appellant: Bloor Homes (Exeter)
Appeal Site: 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
Decision: **Appeal Dismissed** **Date:** 30.04.2026
Procedure: Written representations
Remarks: Delegated refusal, strategic policy, amenity and landscape reasons upheld (EDLP Strategies 1, 2, 4, 7, 46, Emerging LP Policies SP01, SP03, SP06, SD18, DS01. NP Policies H3, E1).
BVPI 204: **Yes**
Planning 6002860
Inspectorate Ref:

Ref: 25/0809/FUL **Appeal Ref:** 25/00088/NONDET
Appellant: Lawrence Arnold
Appeal Site: 1 Silver Street Ottery St Mary EX11 1DB
Proposal: Change of use from office/retail (class E) to 2no. new dwellings (class C3) on the 1st and 2nd floor including self-contained stairwell
Decision: **Appeal Allowed** **Date:** 08.05.2026
(with conditions)
Procedure: Written representations
Remarks: Appeal against the failure of the Council to determine the application within the prescribed time limit.

Delegated resolution to advise the Planning Inspectorate that had a decision been made on the application it should have been refused. Flooding reasons overruled (EDLP Policy EN21, Strategy 6).

The Inspector noted that although the Environment Agency flood map shows that the site is within an area with a high risk of flooding, during recent flood events in 2019 and 2026 the site did not flood.

The Inspector also commented that Local Plan Policy EN21 should not be determinative in this case, as it excludes proposals for a change of use where the size of the building is not increased.

The Inspector considered that the evidence suggests that if flooding did occur it would be at a low level and would not be fast flowing. It would be reasonable to expect occupants to be able to exit the building and walk a short distance to dry ground.

The Inspector concluded that based on the characteristics of the site, the low level of flooding that could occur and the close proximity between the site and land that should not flood, the provision of an emergency plan is not necessary to make the development acceptable. The reinstatement of the residential use to the upper floors of the building does not create an unsafe environment for future occupants or put others at risk. The proposal thus accords with Local Plan Strategy 6, which seeks to ensure that development proposals do not adversely affect risk of flooding.

BVPI 204: **No**
Planning 6002034
Inspectorate Ref:

Ref: 25/2532/FUL **Appeal Ref:** 26/00016/REF
Appellant: Mr Stoykov (Honiton Bodyshop)
Appeal Site: Pitney Water Storage Tank Broadhembury
Proposal: Conversion and extension of the existing building to provide a two-bedroom dwelling
Decision: **Appeal Dismissed** **Date:** 08.05.2026
Procedure: Written representations
Remarks: Delegated refusal, amenity and landscape reasons upheld (EDLP Strategies 7, 46, Policy D1).
BVPI 204: **Yes**
Planning 6005675
Inspectorate Ref:

Ref: 25/1588/FUL **Appeal Ref:** 26/00005/REF
Appellant: Mr Graeme Fraser
Appeal Site: Coombe Dairy Annexe Exe View Road Lympstone Exmouth EX8 5AZ
Proposal: Unrestricted use as dwellinghouse
Decision: **Appeal Allowed** **Date:** 12.05.2026
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons overruled (EDLP Strategies 3, 5B, 7, Policies TC2, D8).

The Inspector acknowledged that the proposal is not in a suitable location having regard to the development plan policies concerning new housing in the countryside. The limited harm caused results in conflict with EDLP Strategies 7 and 5B and policies D8 and TC2 regarding sustainable transport and the accessibility of new development and Strategy 3 in so far as it seeks to minimise fossil fuel use.

The Inspector considered that as the Council can only demonstrate 2.97 years supply of deliverable housing sites, the policies most important for determining the appeal identified above are therefore out of date for the purposes of the Framework. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.

The Inspector concluded that the limited adverse impact of the proposal does not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies to this appeal.

BVPI 204: **Yes**
Planning 6003751
Inspectorate Ref:

Ref: 25/0649/CPL **Appeal Ref:** 25/00045/LDC
Appellant: Mr John Sidhu
Appeal Site: 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
Decision: **Appeal Allowed** **Date:** 13.05.2026
(no conditions)
Procedure: Written representations
Remarks: Delegated refusal.

The Inspector considered that on the basis of the available evidence, on the balance of probability and in the very particular circumstances of this case, the appellant has demonstrated that the proposal would fall outside of the definition of development and would not require planning permission. It follows that the proposal would be lawful for planning purposes.

The Inspector concluded that the Council's refusal to grant a certificate of lawful use or development for repairs to the cottage as already approved per undertaking given in 1972 and since in detailed communications, then resumption of occupation of the cottage, is not well-founded and that the appeal should succeed.

BVPI 204: **No**
Planning APP/U1105/X/25/3368421
Inspectorate Ref:

Ref: 25/1272/PIP **Appeal Ref:** 26/00003/REF
Appellant: Mr Stephen Hartwell
Appeal Site: The Nook Brooklands Cross Newton Poppleford EX10 0BY
Proposal: Permission in Principle for construction 1no. new dwelling
Decision: **Appeal Dismissed** **Date:** 14.05.2026
Procedure: Written representations
Remarks: Delegated refusal, accessibility and ecology reasons upheld (EDLP Strategies 7, 46, 47, 50, Policy TC2, NP Policies D1, H3).

BVPI 204: **Yes**
Planning 6003523
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: 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: 25/1187/CPL
Appeal Ref: APP/U1105/X/25/3375504
Appellant: David Hawes
Address: 6 Bakers Cottages Longmeadow Road Lymptone EX8 5LP
Proposal; Certificate of Proposed Lawful Use for an outbuilding to be used for storing garden equipment, tools and as a log store.
Start Date: 1 December 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 December 2025
Statement Due Date: 12 January 2026

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: 25/1284/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: 25/1477/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
Poppleford
Proposal; Permission in Principle application for up to 9no. dwellings
Start Date: 17 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 24 February 2026
Statement Due Date: 24 March 2026

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

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

App.No: 25/1601/OUT
Appeal Ref: 6007931
Appellant: Mr Anthony
Address: Car Park Land South of Underhill Close Lymptstone
Proposal; Outline application for the erection of three detached dwellings (All matters reserved)
Start Date: 28 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 6 May 2026
Statement Due Date: 4 June 2026

App.No: 24/0985/FUL
Appeal Ref: 6008158
Appellant: Mr & Mrs Pratt
Address: Bowling Green Plymtree Devon EX15 2LF
Proposal; Construction of new dwelling.
Start Date: 28 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 6 May 2026
Statement Due Date: 4 June 2026

App.No: 25/1342/MFUL
Appeal Ref: 6007622
Appellant: Mr Samuel Finlay (LNT Construction)
Address: 1 Jennings Gardens Tithebarn Exeter Devon EX1 4BL
Proposal; Full planning permission for the construction of a 66no. bed care home for older people with parking, access, landscaping and associated ground works
Start Date: 29 April 2026
Procedure: Hearing
Questionnaire Due Date: 7 May 2026
Statement Due Date: 5 June 2026
Hearing Date: 29 July 2026

App.No: 25/1799/FUL
Appeal Ref: 6008725
Appellant: Mr Aaren Carpenter
Address: 15 Bhutan Close Honiton Devon EX14 2UP
Proposal; Proposed rear balcony with 1.8m privacy screen
Start Date: 29 April 2026
Procedure: Householder
Questionnaire Due Date: 7 May 2026

App.No: 25/2244/FUL
Appeal Ref: 6008283
Appellant: Mr Mark Whitcombe
Address: 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
Start Date: 6 May 2026
Procedure: Written reps.
Questionnaire Due Date: 13 May 2026
Statement Due Date: 11 June 2026

App.No: 25/1448/TEC
Appeal Ref: 6008369
Appellant: Mr Jason Drane
Address: 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
Start Date: 12 May 2026
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2026
Statement Due Date: 17 June 2026

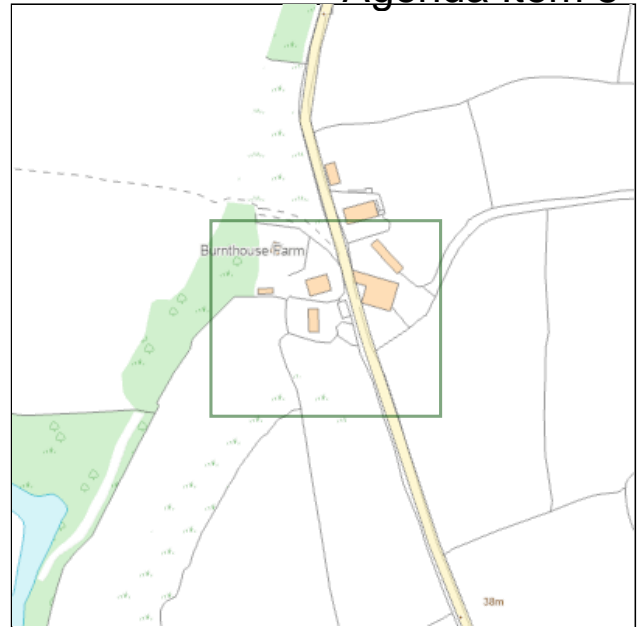
Ward Budleigh And Raleigh

Reference 25/2502/FUL

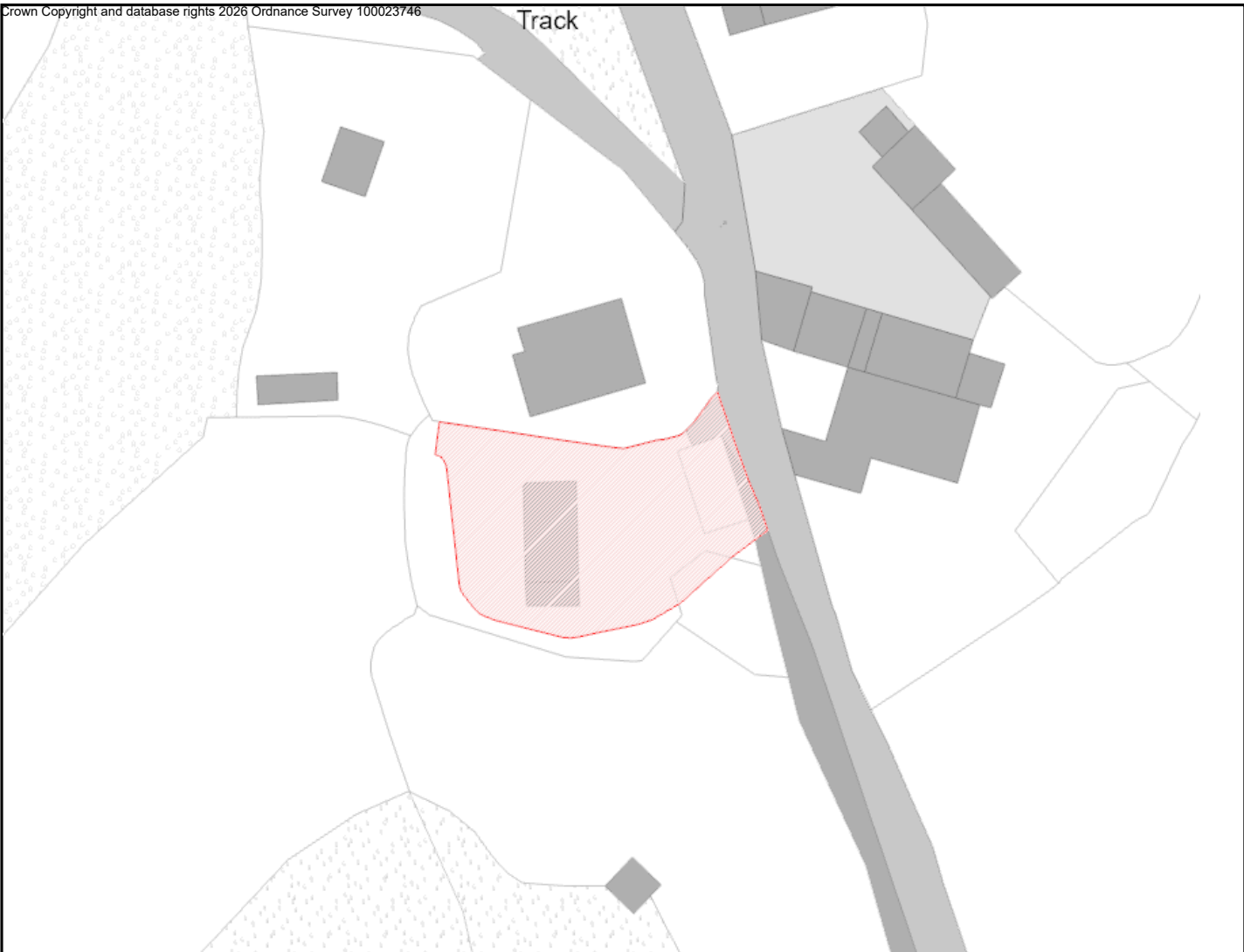
Applicant Clinton Devon Estates

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: 09.06.2026
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.

COMMITTEE REPORT

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.

COMMITTEE REPORT

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.

25/2502/FUL

COMMITTEE REPORT

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)

COMMITTEE REPORT

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.

COMMITTEE REPORT

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.

COMMITTEE REPORT

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

COMMITTEE REPORT

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 lincay to the east, that forms the historic stead to Burnthouse Farm, namely.

Lincay 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 lincay forms part of an attractive group with Burnthouse Farmhouse.

In this respect it is deduced the redundant barn and lincay were constructed at similar times albeit the lincay 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.

COMMITTEE REPORT

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-

25/2502/FUL

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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.

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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

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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.

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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.

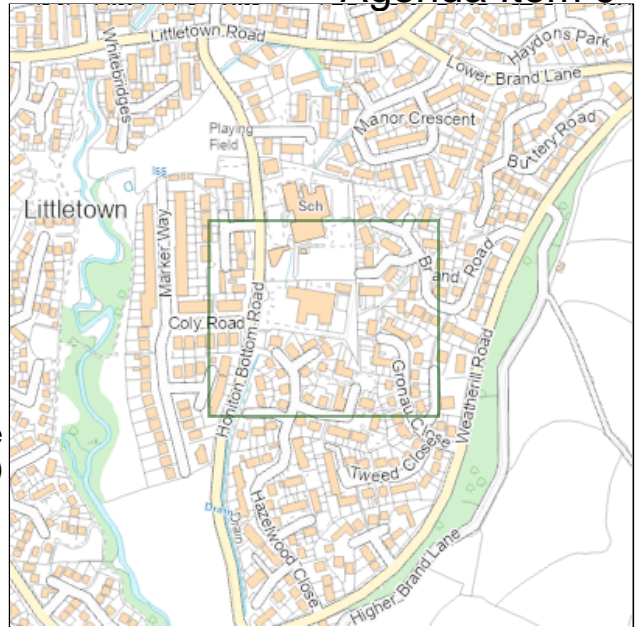
Ward Honiton St Michaels

Reference 25/1259/MFUL

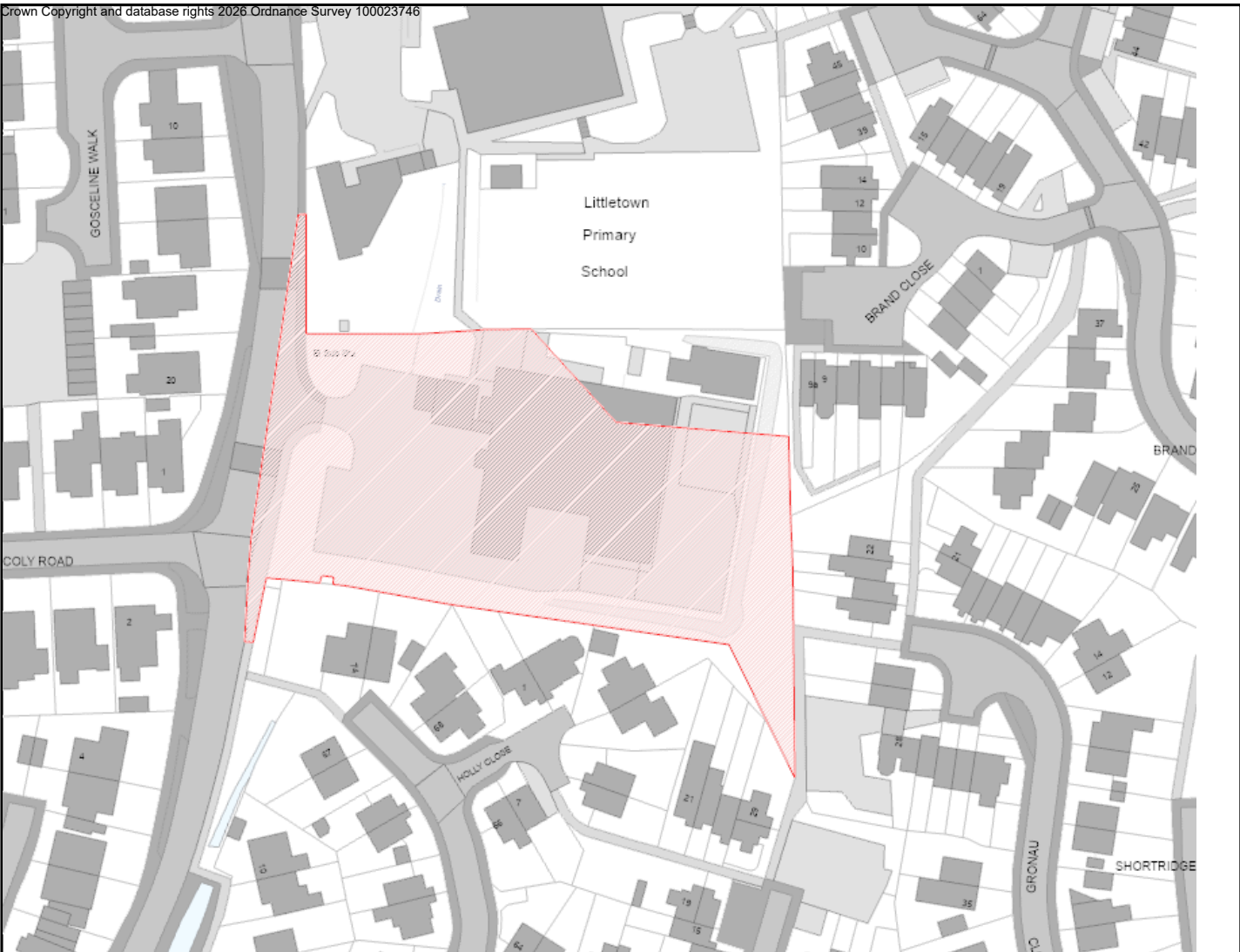
Applicant Frontier Estates (Mal Care) Limited

Location Former Mill Water School Honiton Bottom Road Honiton

Proposal Construction of a care home (within Class C2) with access, car parking, cycle parking, refuse storage, landscaping, boundary treatments, tree works including works to T15 (Pedunculate oak) protected by a tree preservation order (19/0073/TPO G1) and other associated works



RECOMMENDATION: Approval with conditions



		Committee Date: 09.06.2026
Honiton St Michaels (Honiton)	25/1259/MFUL	Target Date: 22.09.2025
Applicant:	Frontier Estates (Mal Care) Limited	
Location:	Former Mill Water School Honiton Bottom Road	
Proposal:	Construction of a care home (within Class C2) with access, car parking, cycle parking, refuse storage, landscaping, boundary treatments, tree works including works to T15 (Pedunculate oak) protected by a tree preservation order (19/0073/TPO G1) and other associated works	

RECOMMENDATION: Grant permission

EXECUTIVE SUMMARY

This application seeks full planning permission for the redevelopment of the former Mill Water School site in Honiton to provide a 70-bed care home (Use Class C2), together with associated access, parking, landscaping, and infrastructure works.

The proposal has been referred to Planning due to the recommendation differing from the Ward Member view.

The site lies within the built-up area boundary of Honiton and represents previously developed land in a sustainable location. The principle of development is therefore acceptable. While the site is allocated for housing in the emerging Local Plan, the adopted Local Plan carries greater weight and the proposal accords with it. The loss of the former school use is not considered harmful, as the facility has been relocated elsewhere in the district and continues to serve the area.

A key consideration is the demonstrable need for care accommodation. Evidence submitted with the application identifies a significant shortfall in care home provision within Honiton and across East Devon, both quantitatively and qualitatively. The delivery of a modern, purpose-built care facility attracts substantial weight in support of the proposal and aligns with national and local policy objectives to meet the needs of an ageing population.

The proposal has been assessed in relation to design, residential amenity, highway safety, drainage, ecology, and trees. While concerns have been raised regarding the scale of development and its relationship with surrounding properties, the scheme is

considered acceptable in design terms and would not result in unacceptable harm to neighbouring amenity.

Although there is a high level of public objection, the impacts identified—particularly in relation to traffic, parking, and local character—are not considered to be severe or demonstrably harmful when assessed against policy and technical evidence.

Overall, the proposal represents sustainable development that complies with the Development Plan when read as a whole. The significant benefits of delivering much-needed specialist care accommodation outweigh the identified adverse impacts. The application is therefore recommended for approval, subject to planning conditions.

CONSULTATIONS

Local Consultations

Honiton St Michaels - Cllr Jenny Brown

24 June 2025

This is next to a school which causes havoc during pick up and drop of times. The development could create further traffic problems on an area already congested at peak times. Suitable parking provisions should be implemented to avoid further congestion, so, at the present time I cannot support this proposal.

If my view differs from the planning officer I would like this to go to committee.

Parish/Town Council

21 July 2025

The applicant and agent spoke in favour of the application.
5 members of the public spoke against the application.
Cllr Collins provided his views on the application.

Members RESOLVED to OBJECT to the application for the following reasons:

- Adverse impact on local infrastructure and health services. In particular Members had concerns regarding the impact the development would have on GP appointment waiting times.
- Increased flood risk from surface water drainage.
- Adverse impact on the local community
- Design and impact on neighbouring properties. The applicant's agent confirmed that the soil structure was such that pile driving was necessary. This could adversely impact the structural stability of neighbouring properties.

- Possible loss of habitat and adverse impact on local ecology such as bats and fauna.
- Insufficient provision of parking
- Increase in traffic in the surrounding areas
- Overdevelopment of the site. The proposal is for a three-storey building located in an area with only one or two-storey buildings.
- The proposal would lead to overlooking and privacy issues for neighbouring properties.

For: 4; Against 1; Abstentions 0

Technical Consultations

County Highway Authority
18 July 2025

Observations:

I have visited the site and reviewed the planning documents.

The site will have a benchmark trip generation from that of its previous use and permitted planning use.

Honiton Bottom Road has no recorded collisions from our rolling record period, currently January 2020 - December 2024.

The proposed site layout includes disabled vehicular parking and cycle parking, with care home sites tending to produce limited vehicle trip generation for residents. The proposed Travel Plan will help mitigate vehicle trip generation for visitors and staff.

The existing site access and visibility, together with the turning of service vehicles to and from the refuse store should be successful.

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 Trees

15 Jan 2026 – No objection following site visit; scheme considered feasible without significant harm, though moving the building slightly north would be preferable.

12 Nov 2025 – Site visit identifies tight relationship to southern trees (notably T15 and T11); concerns remain, but proposal appears achievable overall.

20 Oct 2025 – No access gained; previous concerns maintained.

6 Aug 2025 – Objection due to insufficient separation from protected trees, conflict with BS5837, and risk of future pruning pressure.

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. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Contaminated Land Officer

1 July 2025

Suggest condition for unexpected contamination.

DCC Flood Risk Management Team

29 Apr 2026

Recommendation:

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

Observations:

The applicant has submitted Proposed Care Home, Honiton Response to LLFA Comments Technical Note (Report Ref. TN 003, Rev. -, dated 16th March 2026) to address the comments previously raised.

The applicant has confirmed that the playground area is at a high to medium chance of surface water flooding. It is mentioned by the applicant that the proposed scheme will alter and improve the topography of the site. This area will be positively drained in the proposed development and attenuated so as not to increase the flood risk off site. This shall be investigated in detailed during the detailed design to alleviate the surface water flooding.

The site is currently a brownfield site with a development area of 0.51ha. The proposed impermeable area is 0.21ha and the associated greenfield runoff rates, Q1 is 0.7l/s, Q30 is 1.8l/s and Q100 is 2.3l/s. Due to the site constraint, the applicant proposes to restrict the flow to 1.6l/s for the Q1 and 2.9l/s for the Q100. The applicant shall try to reduce the flow control from 84mm to 50mm during the detailed design to achieve a lower rate than 2.9l/s during the detailed design.

It is proposed to use attenuation tanks together with rain gardens, large tree pits and permeable paving to attenuate the flow as shown in Drainage GA (Drawing No. 25082-ARC-XX-00-DR-D-0001, Rev. P3, dated 09th March 2026). This will then discharge to the public surface water sewer which further discharge to a water body to the west. The applicant has also provided further clarification via Proposed Care Home Flow Direction Culvert Technical Note (Document ref. TN 004, Rev. -, dated 25th March 2025) regarding the flow direction of the culvert on the west of the site.

The requirement for hydrocarbon interceptors, like Smart Sponge® gulleys, or similar, in areas receiving runoff from vehicular pavements will also be considered during the detailed design.

Housing Strategy/Enabling Officer - Liam Reading

There is no affordable housing required on this development because it is a care home and falls within C2 of the Use Class Orders.

Devon County Archaeologist

2 July 2025

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

EDDC District Ecologist

1 Introduction

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

2 Review of submitted details

The application is supported by an Ecological Impact Assessment (GE Consulting, June 2025), a Biodiversity Net Gain Statement and Assessment (GE Consulting, June 2025), a Statutory Biodiversity Metric (completed by Rosie Buckley, 09/06/25), pre and post development habitat plans and habitat condition assessments.

The site has been subject to ecological surveys in 2023 and 2024 with the most recent updated walkover survey in May 2025. The buildings (which were assessed as having negligible potential to support bats and nesting birds) and several habitats onsite were demolished/removed in 2024.

Ecological Surveys

The EclA identifies the site as having potential to support a range of protected and notable species, including roosting bats, badgers, invertebrates, reptiles, common amphibians, and hedgehogs. Ecological surveys conducted in May 2025 confirmed the presence of ground-nesting herring gulls.

Additionally, the report acknowledges the bramble scrub along the eastern boundary may provide suitable habitat for badgers and potentially contain setts. Due to specific site constraints, this area could not be surveyed directly. However, the report provides justification for this limitation and outlines appropriate and acceptable precautionary working methods to be implemented during construction activities.

Bats - roosting

A mature pedunculate oak tree, referenced as Target Note 1 (TN1) in the submitted EclA, was identified as containing multiple potential roost features (PRFs) suitable for bats. Three aerial inspections were undertaken, two in August and September 2024 respectively, and a follow-up survey in May 2025. No evidence of bat roosting activity was recorded during any of these surveys.

Whilst the absence of confirmed roosts is noted, the tree retains ecological value and the presence of PRFs warrants a precautionary approach. It is understood that pruning works are proposed to facilitate development.

We recommend that any tree works are scheduled outside of the main bat activity season where possible, and that a pre-works inspection by a licenced bat ecologist is undertaken immediately prior to pruning to confirm the continued absence of roosting bats.

Lighting

The EclA acknowledges that bats and other nocturnal species are likely to forage and commute through the site; therefore, the lighting recommendations in Section 5.3.3.3 of the EclA should be followed and secured by condition.

Biodiversity Net Gain (BNG)

During the summer of 2024, the site was subject to a Section 80 Demolition Notice, which permitted the removal of two buildings, six trees, approximately 0.015 ha of bramble scrub, and an area of modified grassland. This authorised clearance has been accurately accounted for in the biodiversity assessment, with the baseline value reflecting the ecological condition of the site prior to these demolition and removal works.

However, the following inaccuracies and/or omissions have been noted:

o

The onsite area habitat baseline (Tab A-1) includes the retention of 0.02 ha of 'other woodland: broadleaved' in poor condition. No mention of this habitat is provided in the BNG report, nor mapped on the On-site Baseline Habitat Plan (Ref: 1922-BNG-F1, GE Consulting, June 2025). Further clarity is requested as an accurate pre-development biodiversity assessment must be submitted prior to determination.

o

There are discrepancies between the Arboricultural Impact Assessment (GE Consulting, May 2025) and the Biodiversity Net Gain Statement and Assessment (GE Consulting, June 2025) concerning the baseline number of trees. The Arboricultural report identifies several on-site trees that are not recorded in the BNG

metric. For instance, the oak tree labelled T15 in the Arboricultural report appears to be missing from the metric. It is possible that T15 corresponds to the oak tree recorded as TN1 (see above under Bats - Roosting) in the Ecological Impact Assessment (EclA), but this is not clearly stated.

3 Conclusions

The BNG baseline assessment is not currently considered an accurate measure of the onsite habitats, particularly the number of trees onsite and the inclusion of the 'other woodland' within the metric calculations. Therefore, I submit a holding objection until further clarity is provided.

Reason:

It has not been demonstrated that the proposals have met the minimum validation requirements for Biodiversity Net Gain as set in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Therese Goodwin. Ecology Officer, EDDC

South West Water

22 July 2025

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

No assets show within the application site. This should be confirmed with on-site checks.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

SWW Surface Water Sewer

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy.

However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Surface water will be managed in a sustainable manner via a surface water sewer and attenuation provided on-site, following consideration given to the use of sustainable drainage systems as shown in drawing no. EC 2024-DD 001

South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this development to the South West Water network, they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to get their sewers adopted (surface and foul), they should design and construct the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at Adoption of new sewers | Building & Development | South West Water

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Devon County Council Waste Planning

This major application has come to the attention of the Waste Planning Authority.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste

Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

As a Waste Audit Statement has not been submitted, it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development.as stated

Other Representations

21 letters of objection raising the following matters:

1. Overdevelopment & Poor Design Fit

- The proposal is widely seen as too large, too tall, and overly dominant
- Considered out of character with the surrounding low-rise residential area
- Viewed as an institutional building that does not belong in this setting

2. Traffic, Parking & Highway Safety Impacts

- Insufficient parking provision is a major concern
- Expected overspill parking onto nearby streets
- Existing congestion (especially from the school) would be significantly worsened
- Strong concerns about highway safety and pedestrian risk

3. Harm to Residential Amenity

- Overlooking and loss of privacy from upper floors
- Overbearing impact on neighbouring homes
- Increased noise, activity, and disturbance from a 24/7 use
- Overall erosion of the quiet residential character

4. Conflict with Planning Policy / Intended Use

- Site expected to deliver housing, not a care home
- Proposal seen as contrary to Local Plan intentions
- Regarded as a different land use (institutional/commercial)
- Concern about loss of housing opportunity

5. Pressure on Infrastructure

- Fears that local services are already at or beyond capacity, including:
 - Sewer and drainage systems
 - Healthcare (GP/NHS)
 - Utilities (e.g. electricity)
- Development seen as adding unsustainable demand

6. Construction Impacts

- Concerns about pile driving, noise, and vibration
- Potential structural impacts on nearby homes
- Anticipated prolonged disruption during construction

7. Trees & Environmental Constraints

- Objections to impacts on a protected oak tree (TPO)
- View that the scheme fails to properly respond to site constraints

8. Relationship with Adjacent School

- Safety concerns from combined traffic pressures
- Compatibility issues between:
 - School activity
 - Care home residents (especially dementia care)
- Some concern about overlooking and safeguarding

9. Overall Suitability of the Site

- General conclusion that the site is unsuitable for a development of this type and scale
- Perception that the proposal represents the wrong development in the wrong location

1 letter of support:

- A care home will be a positive use of the site and be an advantage to Honiton where care facilities are in demand.

PLANNING HISTORY

Reference	Description	Decision	Date
79/C1165	CONSTRUCTION OF ENCLOSED SWIMMING POOL WITH CHANGING ROOMS ETC	Approval with conditions	16.08.1979
86/P2080	Extensions.	Approval - standard time limit	09.12.1986
92/P1384	Temporary Mobile Classroom And Provision Of Four Additional Parking Spaces.	DCC Application - No objections	16.11.1992
03/P2006	Extension To Enlarge Two Class Rooms	DCC Application - No objections	03.09.2003
09/0238/CM	Erection of temporary building to provide 2 no. classrooms and w.c.	DCC Application - Objection raised	23.02.2009
12/0217/CM	Renewal of planning permission for 1no temporary classroom building	DCC Application - No objections	10.02.2012

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 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

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 38 (Sustainable Design and Construction)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01: Spatial strategy

Strategic Policy SP05: Development inside Settlement Boundaries

Strategic Policy SP07: Delivery of infrastructure

Strategic Policy SP08: Phased Delivery of Infrastructure and Services

Strategic Policy SD03: Honiton and its development allocations

Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing

Strategic Policy DS01: Design and local distinctiveness

Policy DS02: Housing density and efficient use of land

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

Policy PB08: Tree, hedges and woodland on development sites

Policy PB09: Monitoring requirements for new planting schemes

Policy CF02: Loss of community facilities

There is no Neighbourhood Plan for Honiton

Site Location and Description

The application site relates to the former Mill Water School located on the western side of Honiton Bottom Road within the built-up area of Honiton. The site comprises previously developed land accommodating former educational buildings, associated hardstanding and areas of landscaping.

The site occupies a broadly regular shaped parcel (with a cut-out section of land in the northeast) and lies at a slightly elevated level in relation to surrounding residential properties, increasing its prominence within the locality. Existing built form on the site is low-rise in nature.

The surrounding area is characterised by established residential development, comprising predominantly single-storey bungalows and two-storey dwellings. Residential properties adjoin the site to the south and east, including those at Hazelwood Close, Gosceline Walk and Coly Road. A primary school and associated nursery lie immediately adjacent to the site to the north.

The site is enclosed by a combination of boundary treatments including fencing, walls and vegetation. There are a number of trees within and adjacent to the site, including three trees at the front of the site subject to their own Tree Preservation Orders (TPO) and a belt of trees on the southern boundary subject to a group TPO.

Access to the site is taken from Honiton Bottom Road, which also serves the surrounding residential area and adjacent school.

The site lies within the defined built-up area boundary and is recognised as a previously developed site.

The development is proposed as a Class C2 residential institution in the form of a purpose-built care home, providing accommodation and care for older people with varying levels of need.

The facility would deliver 24-hour residential and nursing care, including for individuals with more advanced needs such as dementia, within a managed care environment.

The building is arranged to provide approximately 70 individual bedrooms, each with associated facilities, supported by a range of communal living spaces including lounges, dining areas and activity rooms. These spaces are intended to support both day-to-day living and social interaction within the home.

The operation of the development would involve:

- A permanent staff presence operating on shift patterns
- Regular visiting by family members, healthcare professionals and service providers
- Associated servicing, including deliveries and waste collection

Externally, the development would function with ancillary uses, including parking, landscaping and amenity areas for residents, forming part of a self-contained care environment.

Overall, the proposal represents a specialist accommodation use delivering care-led housing, rather than general residential development, with on-site support and facilities tailored to meet the needs of elderly and vulnerable residents.

The proposed development comprises a purpose-built care home arranged over predominantly 2.5 to 3 storeys, forming a large, L-shaped building footprint. The scale and massing are articulated through changes in roof form, set-backs and variation in elevation treatment in order to break up the overall bulk.

The building is designed to reflect a domestic architectural approach, drawing on residential character through the use of pitched roofs, gables and varied materials, rather than a singular institutional form. Elevations incorporate a regular arrangement of windows, including larger glazed areas serving communal spaces such as lounges and dining rooms.

The layout is internally organised around a series of bedroom wings and communal areas, providing approximately 70 bedrooms alongside shared facilities. The design seeks to provide outward-facing rooms and natural surveillance across the site.

Externally, the scheme includes landscaped grounds, amenity areas for residents, and boundary treatments, with parking and servicing areas located to one side of the site to minimise visual impact.

ANALYSIS

The site clearly lies within the bounds of Honiton and so therefore is in principle an acceptable place for development considering Strategies 6 and 23 of the Local Plan. The site has no specific allocation in the adopted Local Plan but the site is allocated for 30 homes (Honi_06) in the emerging Local Plan. The current adopted plan

carries more weight at present. Therefore the main considerations in relation to this proposal are considered to be:

- The loss of the site for community uses;
- Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
- The effect on amenity of neighbouring properties and compatibility with adjoining land uses;
- The effect on protected trees on the site;
- Whether the design is acceptable;
- The effect on highway safety;
- Effects on biodiversity
- Whether the site manages surface water run-off appropriately.

The loss of the site for community uses

“Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings

In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

- 1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or*
- 2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or*
- 3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or*
- 4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.*

Employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as ‘Sui Generis’ uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function.”

It has been held on appeal elsewhere in the District (the Doyle Centre, Exmouth) that before considering criteria 1-4 of S32 it must first be established if there is any harm to social or community gathering and/or business and employment opportunities occurs.

The site lies next to an existing school and was once itself a separate school for pupils with significant learning difficulties known as Mill Water School. No buildings appeared to remain on site at the time of the site visit although the hard surfaces on the site were still evident. Mill Water School relocated from the site in 2015 to a purpose-built school in the grounds of Bicton College in January 2015. While not in the town, this specialist school serves much of East Devon including Honiton. The facility has not been lost and therefore it can be concluded that no harm would arise as the facility has simply moved from the site. It will not be coming back to the site and in relation to other current planning applications in Honiton, Devon County Council is not advising that any increase in school capacity (requiring new buildings) is required (see DCC response to 25/2595/MFUL). DCC has retained a portion of the site (situated outside of the red line area) for any potential needs of the adjacent Littleton Primary School. The development is therefore considered to comply with Strategy 32 of the Local Plan.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Insofar as the need for the care home is concerned, Strategy 36 of the Local Plan identifies that Honiton requires 50 care/extra care homes spaces over the plan period. Proposals for specialist housing should be accompanied by a Care Needs Assessment which justifies the proposal's scale, tenure and accommodation type.

The NPPF emphasises the need to meet housing requirements for older people, including care homes. National Planning Practice Guidance identifies provision for older people as "critical" due to increasing life expectancy. Additionally, The Care Act 2014 requires local authorities to ensure sufficient quantity and quality of care provision.

The emerging Local Plan (2020–2042) continues this support, specifically referencing residential and nursing homes. Honiton is identified as requiring additional specialist accommodation.

The application is accompanied by a Care Needs Assessment. This identifies that much care home provision in the area is formed from the conversion of existing older buildings. This identifies that East Devon has 56 care homes with 6 in Honiton (183 beds). The economic viability of smaller care homes (below 30 spaces) has declined and in the last 10 years no new care homes have been developed in Honiton (the recent Cattle Market development by Churchill is a retirement complex not a care home) while one home has closed. Honiton is calculated to have a 183 bed shortfall (537 District wide) and demand is predicted to rise with the current demographic in the area. It also makes the case that care home demand is not only quantitative but also qualitative (modern and fit for current care practices).

In summary, there is a very high need for the type of accommodation being proposed and this supported by both National and Local planning policy and so the

benefits of the proposal in meeting that need are considered to attract significant weight in the planning balance.

The effect on amenity of neighbouring properties and compatibility with adjoining land uses

The development site abuts existing housing on its eastern and southern sides. More housing is located across Honiton Bottom Road to the west. To the north lies an existing primary school.

The eastern and western boundaries benefit from mature existing trees and other plants. These provide a good level of screening of the site for properties on Gronau Close to the east and to Holy Close to the south. There will be some gaps due to the natural form of the trees and cover in winter months is not as extensive due to the deciduous nature of most of them. However, in terms of a mid-town brownfield development, the use of an existing mature tree screening belt is the best scenario that could be expected as the cover is already in place and at a height, even accounting for the height of the proposed building (11 metres to ridge, approximately 7.6 to mid-level of the highest windows), which should help maintain privacy and amenity to an acceptable level for neighbouring properties.

The properties to the west across the road would not benefit from such an extensive cover of trees but these are much further away from the site and can be readily viewed from the road and pavements already. The presence of the proposed care home therefore is not considered represent a significant change in the amenity or privacy these homes enjoy.

Due to the separation distances between the care home and existing housing, there will be no significant loss of light or overbearing impact to neighbours.

The proposal is acceptable in this regard in relation to policy D1 of the Local Plan.

The effect on protected trees on the site

As mentioned above, the site has belt of protected trees on the eastern and southern boundaries, with three individual protected trees on the western boundary. The arboricultural assessment shows all of these trees being retained and this is also reflected in the landscape strategy plan. Root protection areas are identified.

Additional planting is also included with three new trees at the frontage of the site with other supplemental understorey planting and more ornamental garden landscapes proposed around the building.

Subject to suitable conditions the proposal will not have any adverse effects on protected trees and the proposal complies with policies D2 and D3 of the Local Plan in this regard.

Design

The proposed care home provides accommodation across three floors and as noted, reaches a height of 11m (from the adjacent ground level). The upper floors set accommodation within the roof, using a mix of dormer windows and gabled windows.

The retention of the slice of land on the northern side of the site for the benefit of the primary school means the planform is 'L' shaped. Like many such modern care home developments, the form and bulk of the building is broken up with different sections being formed with different finishing materials. In this case, a mix of red brick and light-tone mortar is used, with some detailing using soldier courses and string courses to add some texture to the facades. Some contrast is added though use of lighter buff/cream coloured brick. Many of these materials are used locally as identified in the Design and Access Statement. The roof would use standing seam zinc covering on the principal elevation, while a more modern material, this has been used successfully in locations such as the town centre where it reflects the grey tones of natural slate.

The layout of the site provides for parking spaces at the front with 22 spaces provided including 2 disabled spaces and delivery/drop off area with turning head. 10 covered cycle parking spaces are provided for staff and visitors close to the front entrance to the building. A close-boarded refuse store is located at the north end of the frontage allowing access for waste vehicles to access it.

A modest amount of communal garden space is proposed around the building with some terraced areas, some planting beds, a water feature and gazebo around the periphery.

The design is considered to deal with the apparent bulk of the building well, the elevational treatments helping to break up its mass and give the impression of a 'terrace' of buildings rather than a singular block. The materials are considered appropriate subject to samples being agreed and the layout of the development on the site and its landscaping are considered acceptable.

The parking spaces are considered to be appropriately located and designed, as are the cycle spaces.

Overall, the design is considered to be acceptable in accordance with policy D1 of the Local Plan.

Highway Safety and Accessibility

Despite concerns expressed by objectors, Devon County Council has not raised any concerns about the development in relation to highway safety. This takes account of the Transport Assessment, the former use as a school and proposed uses. It notes that the parking provision for this type of land use is adequate and appropriate for the location in question. The type of accommodation being offered means that it is unlikely that residents would have a car that would be kept on site, so provision is mainly for staff and visitors. The visibility of the access onto the road is appropriate. Despite concerns expressed by interested parties, the development would not have a severe adverse effect on highway safety (NPPF) and is deemed acceptable to the

highway engineer. The proposal is therefore considered to comply with policies TC7 and TC9 of the Local Plan.

The site is well located in the town being a 0.9km walk to the train station and a bit further to the town centre. The Honiton Bottom Road benefits from the 367 bus service which circulates the town hourly. The proposal also includes 10 covered cycle spaces.

Effects on biodiversity

The site comprises a former school with predominantly hardstanding and areas of managed grassland. Overall ecological value is considered low to moderate, with some value associated with trees, vegetation and potential protected species use.

Ecological Impacts are likely to include:

- Habitat loss: Removal of limited vegetation and grassland of generally low ecological value.
- Bats: Potential for roosting within trees; risk of disturbance and loss of roost features; impacts on commuting routes.
- Nesting birds: Risk of disturbance or destruction of nests during vegetation clearance.
- Other fauna: Low potential for species such as hedgehogs; impacts considered minor.
- Construction impacts: Temporary disturbance, including noise, lighting and potential pollution.

Impacts are considered to be generally low, with bats representing the most sensitive receptor. Without mitigation, impacts could be moderate for bats, but with mitigation are reduced to minor or negligible.

Mitigation measures proposed include:

- Bats: Pre-commencement checks, supervised works, provision of bat boxes or integrated roost features, and sensitive lighting design.
- Birds: Clearance outside the nesting season or supervised checks, and provision of bird boxes.
- Habitats: Retention of vegetation where possible and new native planting.
- General fauna: Precautionary working methods during site clearance.
- Construction controls: Pollution prevention measures and ecological toolbox talks.

The Councils ecologist is concerned that not all of the impacts are understood but if the mitigation measures in the Ecological Impact Assessment are provided there is unlikely to be any significant harm on this previously developed site. The standard biodiversity gain conditions will be applied which may require the purchase of off-site

credits if the gain plan for the site is not suitable. The proposals are in accordance with Strategy 47 of the Local Plan.

Surface Water Run-off

The site does not lie within a flood zone but needs to provide a sustainable drainage solution in order to comply with policy EN22 of the Local Plan.

The proposals use a SuDS-based attenuation system discharging to the existing 375mm surface water culvert at the site frontage. It is a non-infiltration design (due to site constraints), relying on storage and controlled discharge.

SuDS features include 6 rain gardens, 2 tree pit drainage areas, and permeable paving/porous drives integrated within the landscaping. Below ground there would be a network of geo-cellular (crate) tanks across the site located around the building perimeter and car park.

The scheme achieves a very large betterment over existing runoff (approximately 97–98% reduction).

DCC as the Lead Local Flood Authority is content the proposal are acceptable subject to conditions and the proposals are therefore considered to comply with policy EN22. This is also considered to satisfy SWW's requirements regarding surface water drainage hierarchy.

Other matters

Care provision –

Some objectors to the scheme are stating that there would be an adverse effect on local health care provision and services. This overlooks the efficiencies that provision of such care in a single location can make however. Various planning appeals, as cited by the applicant in its letter dated 25th March 2026, indicate that Planning Inspectors generally acknowledge this. Further, close care provision being offered can avoid vulnerable persons coming to harm in their own homes, which brings its own savings to local healthcare provision.

The site is allocated for other uses –

The site is allocated for 30 dwellings in the emerging Local Plan but this plan has not yet been put forward for examination in public, whereas the existing Local Plan has. The preceding report has not found any conflict with the existing Local Plan and therefore section 38(6) of the Town and Country Planning Act and the presumption in favour of sustainable development in the NPPF applies suggesting the planning permission should be granted for this different proposal, which itself is a form of housing and can lead to the freeing up of existing local housing in the area.

Construction impacts –

Some objectors have raised concerns over possible noise and disruption during construction including possible pile driving. This is a matter to be managed as part of the usual construction process. An engineer report submitted with the application identifies that bore piling would instead be recommended for the site due to ground conditions which is less noisy and disrupting than pile driving. Construction phase impacts can be mitigated to an extent through conditions.

Planning Balance

The proposed development accords with the adopted Local Plan and the provisions of the NPPF. The adopted plan identifies a specific need for a quantum of care home provision in Honiton, which is forecast to be even greater now than when the Plan was adopted. Applying the requirement to determine applications in accordance with the development plan and looking at the high demand and need for this type of accommodation, both the Local Plan and material considerations strongly point towards approving the proposals. The former use on the site has been relocated elsewhere in the district and still serves the town (with DCC's current specialist school provision strategy).

It is noted that the development does not accord with the allocation in the emerging Local Plan, however this allocation carries limited weight at present.

The site is sustainably located, can be sustainably drained, will not give rise to any severe highways' safety risks, is well designed, protects and uses existing trees to help maintain the amenity of neighbouring properties. In accordance with paragraph 11 of the NPPF the development is considered to be sustainable development that accords with the development plan read as a whole and should be approved without delay.

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 hereby permitted shall commence until the following information has been submitted to, and approved in writing by, the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Care Home, Honiton Response to LLFA Comments Technical Note (Report Ref. TN 003, Rev. -, dated 16th March 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.

(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 policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan 2013-2031, and the provisions of the National Planning Policy Framework and National Planning Practice Guidance. The condition is 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. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall 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 - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

5. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(Reason: This is a pre-commencement condition 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 East Devon Local Plan 2013-2031.)

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

7. The building hereby permitted shall not be brought into use until the parking area shown on the deposited plans is surfaced and completed and the cycle parking has been provided and is ready for use.

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

8. The mitigation and enhancement measures within the Ecological Impact Assessment (08 December 2025) shall be provided prior to the first occupation of the building hereby approved.

(Reason: To minimise disturbance to bats in accordance with Strategy 47 (Nature Conservation and Geology) of the 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:

- 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.)

10. Prior to any construction above foundation level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

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

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(Reason: To ensure the design and appearance of the development is good quality in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

12. The bin store shown on the plans hereby approved shall be provided in accordance with the plans hereby approved prior to the first occupation of the building.

(Reason: To ensure there are adequate waste management facilities at the site in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2033 and policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document).

13. Notwithstanding the approved plans no external plant, machinery or other external additions shall be installed on the building unless the details (including noise levels) of the plant or machinery has previously been agreed in writing by the local planning authority

(Reason: To ensure the appearance of the building is as authorised and to avoid any undue disturbance to nearby residents in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

Material samples?

Provision of hard and soft landscaping (assuming we have full details already)

Provision of bin store

Provision of visibility splays

External plant to be agreed prior to installation

Plans relating to this application:

DR-R-0056 P01 : Additional Information 18.12.25
box van

DR-R-0055 P02 : Additional Information 18.12.25
visibility splays
(App C -
transport
statement)

DR-R-0052 P05 : Other Plans 18.12.25
light van (App C -
transport
statement)

DR-R-0053 P04 : Other Plans 18.12.25
ambulance plan
(App C -
transport
statement)

DR-R-0051 P04 (App C - transport statement)	Other Plans	18.12.25
DR-A-0500-P15 : proposed externa works	Other Plans	18.12.25
DR-D-002-P01 : flood exceedance routes	Additional Information	18.12.25
DR-D-001-P02 : drainage - general arrangement	Additional Information	18.12.25
DD709L02 rev C	Landscaping	22.04.26
DR-A-0400 P02 : proposed GA site	Sections	23.06.25
DR-A-200 P06 : ground	Proposed Floor Plans	23.06.25
DR-A-201 P05 : first	Proposed Floor Plans	23.06.25
DR-A-202 P05 : GA level 02	Proposed Floor Plans	23.06.25
DR-0300 P04 PROPOSED GA ELEVATIONS : SHEET 1 OF 1	Proposed Elevations	23.06.25

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.

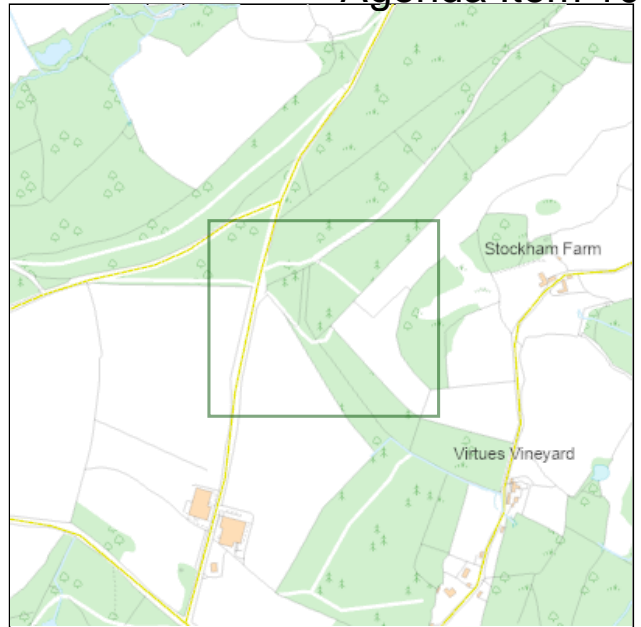
Ward Coly Valley

Reference 25/2444/FUL

Applicant Mr J Reed

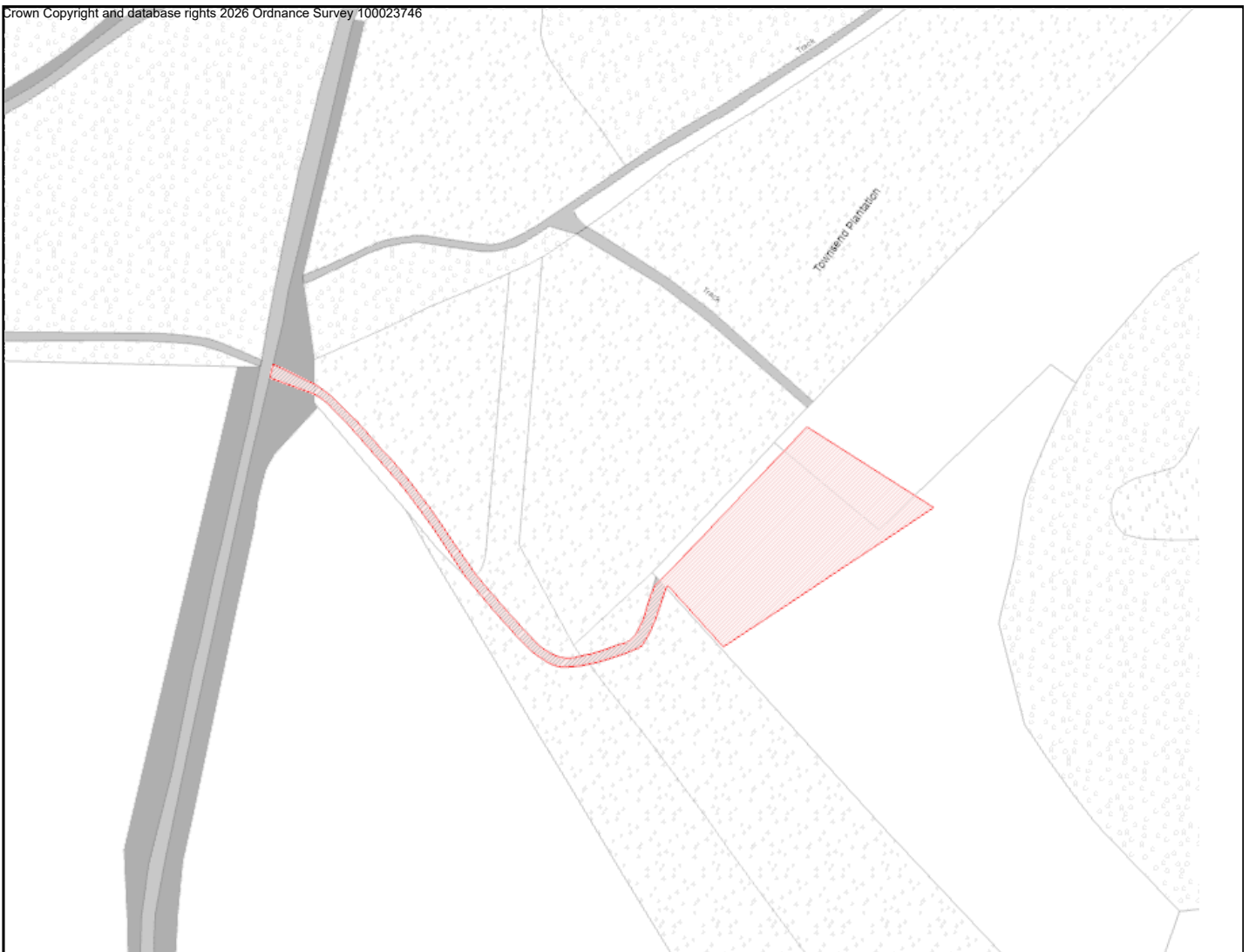
Location Land South East Of Townsend Plantation
Southleigh Colyton

Proposal Retrospective application for an earth lined
slurry lagoon



RECOMMENDATION: Approval retrospective (conditions)

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		Committee Date: 09.06.2026
Coly Valley (Southleigh)	25/2444/FUL	Target Date: 22.01.2026
Applicant:	Mr J Reed	
Location:	Land South East Of Townsend Plantation Southleigh	
Proposal:	Retrospective application for an earth lined slurry lagoon	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee because the recommendation is contrary to the view of one of the Ward Members.

Retrospective planning permission is sought for the retention of an earth-lined slurry lagoon on agricultural land within the East Devon National Landscape.

The slurry lagoon forms part of a wider farm holding and provides additional on-farm storage to enable slurry to be spread at agronomically appropriate times, thereby reducing the risk of pollution associated with inappropriate land application. As such, the development is considered acceptable in principle under Local Plan Policy D7.

In landscape terms, the lagoon is located within an open agricultural field and is largely contained by existing landform and surrounding woodland. Subject to mitigation, including additional planting to address identified arboricultural harm, the development is considered to integrate satisfactorily into its setting and would not result in unacceptable harm to the character or natural beauty of the East Devon National Landscape.

There is no objection from the Environment Agency or Environmental Health. The Environment Agency has inspected the lagoon under the relevant regulatory regime and is satisfied that it meets the required standards for slurry storage. The planning system operates alongside separate pollution control legislation, and significant weight is afforded to the Environment Agency's assessment. On this basis, the development is not considered to give rise to an unacceptable risk to the water environment.

Further assessment confirms that there would be no adverse effects on designated ecological sites, including the Beer Quarry and Caves SAC and nearby ancient woodland.

Access is via existing agricultural tracks and the proposal would not result in a material increase in traffic movements. No highway safety issues are identified.

Overall, the benefits of supporting the agricultural operation and improving slurry management, together with the absence of significant adverse impacts, weigh in favour of the development. The proposal is therefore considered acceptable and recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Coly Valley - Cllr Paul Arnott

Background

All planning applications exist within a wider context, and district councillors are often able to contribute relevant information which assists the understanding of planning officers and ultimately the Planning Committee. In cases such as this the potential for reputational damage to EDDC is substantial.

- [REDACTED]
- He did this after a separate historic Planning Application Ref. No: 19/1768/FUL was **turned down** to build a slurry pit, when he was **told by EDDC not to commence** development in connection with the application. Nevertheless, the Applicant has now proceeded to build a substantially larger slurry pit, 3,000 m² at least plus in size, in close proximity to the site where the Application was rejected, and without any planning permission. The Applicant has also been operating the pit for several months notwithstanding that he has no planning permission. He was then asked to submit a retrospective planning application.
- **The pit is now full.** It is not credible that it is operating solely to provide a facility for the applicant's own needs, and it is probable that he is **receiving slurry** from a wide area as a business. **Highways at DCC** should be advised of this.
- The **Environment Agency** has commented: "Following an inspection on 5 November 2025 and review of supporting soil testing, the Environment Agency has confirmed that the lagoon **visually appears** to have been constructed in accordance with the relevant construction standard and that the materials used meet the required permeability thresholds."
- However, the EA has not provided evidence to validate the statement that the lagoon has indeed been built in accordance with the construction standard. For example, there **does not appear to be any detailed specification** for the pit construction or professional engineering drawings signed off by a qualified person. EDDC members must not be asked to approve a

retrospective planning application without site on request of all documents relied upon by the EA on which they base their advice to EDDC planners.

- EA goes onto say that its soil test confirms that the materials used in construction meets the necessary permeability requirements. However, the pit appears to be no more than a very large hole in the ground dug out of the existing soil, and there is **no evidence of what additional “materials” have been used in the “construction”**. Also, evidence of the soil tests carried out by the EA have not been made available.
- **Liner.** SSAFO Regulations require that an earth-banked pit include an impermeable liner, either 1m of puddle clay or a synthetic geo membrane. SSAFO Regulations also require that the store must be designed and constructed to satisfy a 20-year lifespan without maintenance. These regulations require that tank base, walls, channels and pipes must be fully impermeable and protected against corrosion and they must be strong enough to withstand the loads they’ll experience in normal use. Regulation 4 of The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 requires that farmers plan the application and storage of organic manure to ensure it does not create a significant risk of pollution, **specifically citing "the slope of the land" and "proximity to surface waters" as risk factors. There is no evidence to support this having been done.**
- This pit has been built in close proximity to a **steep slope** which leads down into the valley. Any leakage or overflow from the lagoon would likely find itself travelling into the valley below and polluting the local waterways and rivers, not to mention the potential flood risk that the lagoon poses to local residences. There doesn't appear to be any evidence to support how these Regulations and the SSAFO Regulations have been complied with. Where are any professional engineering sign-off documents for the critical design, construction and stability.
- Further a lagoon of this size which is close to a steep hillside requires a **geotechnical stability assessment by a qualified person**. This is because earth-banked lagoons can be prone to slumping and catastrophic failure. There is no evidence that this assessment has been completed.
- Given the above, it is not possible to establish from the available information that all the regulatory requirements for the construction of the pit have been met. Therefore, there is a **real risk of flooding, damage to the water table, damage to property and pollution to local waterways and rivers.** [REDACTED]. The applicant is also the longstanding chair of Southleigh Parish Council, which has not commented.
- The Clean Air Strategy 2019 mandates that **all slurry stores should be covered** by 2027 to reduce ammonia emissions. While the deadline is approaching, local authorities are able to use Best Available Techniques under the Environmental Permitting (England and Wales) Regulations 2016 to

enforce covers on high-risk or newly built sites to mitigate ammonia which could damage the ancient woodland, trees and hedges nearby all of which are sensitive receptors. At the moment covers are not included as part of the proposal. There is a reputational risk for the council that the applicant is seeking to “beat the deadline”. Local residents confirm that ten metres down from the already filled pit top, under pressure from heavy rain slurry is oozing through the bank. They should be believed.

- The Design and Access Statement dd 27 November 2025 stated that: "The new store is sited to enable the application of slurry to the neighbouring fields with the use of an umbilical slurry spreading system. The slurry will be transferred to the store by tractor and tanker. There will be no increase in the overall number of traffic movements." However subsequent correspondence from the Applicant on the EDDC website states that: "There is nothing set in stone showing where the slurry will be applied." This is not therefore consistent with the original stated purpose of the store and it is likely to result in an increase in the overall **traffic movements** further damaging the already heavily pot holed lanes.
- **Tree damage.** [REDACTED] he has already been found by EDDC Trees to have caused immense damage to the roots of birch trees which are unlikely to now flourish in driving an access track across land. The nearby public access path has now been blocked and walkers diverted.
- **Natural England** appear not to be satisfied that they have sufficient information.
- To be included in detail in any report: EDDC's log of **enforcement engagement** with the applicant re this application and the previous ones. Also, an assessment of **reputational damage to EDDC** if it relies on sub-standard analysis from the Environment Agency
- For the Chair and Vice Chair of Planning: I formally object to this application and will argue that it is in the public interest for it to come before the Planning Committee.
- I will urge a site visit.

I hope these comments are helpful.

Other Representations

Four public objections were received. The main issues raised are summarised below:

Flood Risk and Water Pollution

Representations express strong concerns that the uncovered lagoon could overflow—particularly during heavy rainfall—resulting in slurry entering nearby watercourses, leats and the valley below. Objectors highlight the potential for both flooding and pollution of the water table, streams and rivers. Reference is also made to the Farming Rules for Water, specifically Regulation 4 of the 2018 Regulations,

which requires that storage and application of organic manure must avoid significant pollution risk, including risks arising from land slope and proximity to surface water.

Environmental and Ecological Impacts

Objectors state that the proposal may harm sensitive habitats, including woodland, hedgerows and designated ecological sites. One representation notes the absence of a Habitats Regulations Assessment despite advice from Natural England regarding possible significant effects on the Beer Quarry & Caves SAC. Concerns also include impacts on protected species, biodiversity, and nutrient enrichment from slurry storage and spreading.

Air Quality and Ammonia Emissions

Concerns are raised regarding ammonia emissions from an uncovered lagoon, with reference to national policy in the Clean Air Strategy 2019 that requires slurry stores to be covered by 2027. It is argued that large open lagoons are high-risk ammonia sources and could harm nearby ancient woodland and other sensitive receptors. Objectors question whether the authority would require the lagoon to be covered if approved.

Insufficient Technical Information and Containment Concerns

Multiple representations argue that the application lacks essential engineering detail, including lining specifications, containment design, seepage prevention, rainfall capacity, overflow pathways and monitoring systems. The SSAFO Regulations requirement for stores to be designed for a 20-year lifespan without maintenance is referenced, with calls for professional engineering verification. The absence of detail on slurry spreading, the proposed umbilical system, and ongoing monitoring arrangements is highlighted, alongside concerns about whether EDDC has adequate resources to ensure compliance.

Scale, Location, Highway Impact and Landscape Harm

Objectors consider the lagoon to be disproportionately large and inappropriately sited within the protected landscape (AONB/National Landscape). Concerns include visual impact and landscape harm. Additional recent representations also argue that the lagoon's distance from the slurry source will lead to increased heavy vehicle movements on narrow rural lanes that are already damaged, whereas siting the lagoon closer to the source could reduce this impact.

Accuracy and Procedural Concerns

Representations claim the application contains misleading or inaccurate site descriptions, particularly references to "Land at Stockham Farm," which some say is not owned by the applicant. Commenters also highlight limited or absent neighbour notification and concerns that retrospective elements are unclear. One objector states the application cannot lawfully be determined without required assessments.

Construction and Use Prior to Consent

Several objections note that a similar application was previously refused, yet the slurry pit has already been constructed and appears to be in use, raising concerns about compliance with planning controls.

Technical Consultations

EDDC Landscape Architect

I have now visited the above site and make the following observations. Unfortunately I had not read your email below before my visit and I therefore did not know to look out for excavation damage to the boundary hedgebanks as raised in the Arb. Officer's response. However, I can see in the attached photo (DSC0026) where some grading at the base of the existing hedgebanks may have occurred during construction.

The as-built layout of the lagoon deviates somewhat from the submitted drawings. While it would appear to be of similar o/a size, the form is more rounded than the drawings indicate.

Overall, the lagoon sits comfortably in the landform and is screened by existing woodland to the north and west. There are views to the south across the valley to public access woodland but these are at a distance and part filtered by intervening trees such that any visual impact is likely to be slight to negligible according to season. I would not advocate any additional planting being needed to mitigate visual impact but some planting may be required to address the root damage issue identified by the Arb. Officer.

I note the intention to provide 1.8m high perimeter fencing. This has not yet been installed and I would recommend reducing this to an overall height of 1.5m including barbed wire, which is in line with relevant CIRIA guidance (Livestock Manure and Silage Storage Infrastructure for Agriculture – Part 2 Design and Construction para. 7.4.9.2). I would also recommend a gate with appropriate warning sign being installed at the end of the access track where it enters the host field.

There is currently a large mound of spoil by the area of hardstanding beside the highway from which the site is accessed (see attached photo DSC033). This is likely to be from the site excavations. Should the application be approved a condition should be imposed requiring details of how/ where it will be disposed of and giving a maximum of three months for this to be completed from the issue of the decision notice.

EDDC Trees

The slurry lagoon has now been installed and is accessed via two tracks which pass through the adjacent woodland compartment, providing access from the west and the north.

The installation of the lagoon has required excavation into the south eastern face of the adjacent hedge bank. This has resulted in root damage to large, mature beech coppice stools growing within the bank. It should be noted that these beech stools are of considerable age and exhibit decay features typically associated with veteran and ancient trees. As such, they are of high biodiversity value.

Whilst the access tracks may be pre existing, their increased use is likely to have resulted in some harm to soil conditions within the adjacent woodland. This impact is partially mitigated by the fact that the woodland compartment closest to the lagoon has recently been cleared, presumably under a licence issued by the Forestry

Commission. Enquiries have been made with the Forestry Commission in this regard.

Given that damage has occurred, should the location of the lagoon be considered acceptable on planning grounds, any approval should be subject to appropriate mitigation measures. These should include compensatory planting to increase tree canopy cover in the area and to mitigate for the loss and damage already incurred.

Any planning approval should therefore be subject to a landscaping condition requiring the submission of a detailed landscaping scheme. This should include the planting of new native trees and shrubs to integrate the lagoon into the surrounding woodland landscape, to the north and west of the lagoon.

Environment Agency

We have no objections to this planning application. The proposal will ensure the farm operates with sufficient storage for slurry, reducing the risk of slurry being spread to land at inappropriate times and helping to protect water quality. Nonetheless, the proposal must operate in accordance with the relevant regulations.

An informative regarding the regulatory requirements under pollution control regimes and additional advice is recommended.

A condition of SSAF requires that the Environment Agency must be notified of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. We appreciate that this application is retrospective, so this is not likely to be relevant at this point.

Advice for the LPA - Private water supplies

The site is not located within a Source Protection Zone. However, you should also consider whether there are any wells, springs or boreholes used for the supply of water for human consumption within 50 metres of the store. Local authority's environmental health or public protection teams, as the regulators for private water supplies, hold information on the location of these supplies.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on Beer Quarry & Caves Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Air Quality Standing Advice

Natural England advises that the potential for air quality impacts arising from this development needs to be assessed. Natural England refers your authority to Standing Advice 'Air pollution and development: advice for local authorities. How to assess sector-specific planning applications that could affect air quality on a protected site'. This standing advice is Natural England's formal statutory advice and

is a material consideration. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on planning applications with potential air pollution impacts.

Protected Landscapes

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty.

Environmental Health

15/12/25 - I have considered the application and do not anticipate any environmental health concerns.

14/01/26 - I have considered the application and do not anticipate any environmental health concerns.

03/02/26 - I've checked the location of the slurry lagoon against the PWS's we have listed on our system and we don't have any PWS's located within 50m of the site.

PLANNING HISTORY

Permission was refused for a slurry store at a nearby location, reference 19/1768/FUL, on the grounds of failure to preserve or enhance the character of the AONB.

Pre-application advice was provided in relation to three alternative possible locations for a slurry store, including the location proposed in application 24/1544/FUL.

Application 24/1544/FUL was refused on grounds of its harmful visual impact on the National Landscape due to inadequate landscape mitigation, insufficient evidence that compensatory tree planting could be delivered without ecological harm, and lack of information demonstrating that tree removal and slurry-related air quality impacts would not adversely affect protected species, ancient woodland and the Beer Quarries and Caves SAC.

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 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

D7 (Agricultural Buildings and Development) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted
TC2 (Accessibility of New Development) Adopted
TC4 (Footpaths, Bridleways and Cycleways) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft
Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))
Draft
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft
Strategic Policy PB04 (Habitats Regulations Assessment) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)
Draft
Strategic Policy AR01 (Flooding) Draft
Policy SE02 (Employment development in the countryside) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

Site Location and Description

The site lies within open countryside in the East Devon National Landscape. The lagoon occupies an open arable field (previously sown to maize) immediately adjacent to woodland edges, with access via existing tracks from the west and north.

A public bridleway passes through the woodland about 100 metres from the lagoon. While there is a licence to fell the woodland between the bridleway and the lagoon, there is a treed bank adjacent to the lagoon that would be retained.

The site is on the upper slope of a hill and the land falls sharply away to the east towards residential properties situated about 300-350 metres away.

ANALYSIS

Proposed Development

This application is for retention of an earth-lined slurry lagoon with perimeter bunds that have been seeded to blend with the surrounding sward. A 1.5 m fence with barbed top strands is proposed around the lagoon for stock and public safety.

The lagoon forms part of a wider farmed landholding and is used to store slurry for subsequent umbilical application to nearby fields at agronomically appropriate times. The applicant states the scheme responds to Environment Agency (EA) expectations to increase on-farm storage capacity.

Principle

The lagoon provides additional slurry storage to enable timely, agronomically-led spreading, reducing pollution risk and supporting the functioning and environmental performance of the farm enterprise. Such development is acceptable in principle in accordance with Policy D7 where scale/siting/design avoid unacceptable effects on landscape, biodiversity, trees and amenity.

East Devon National Landscape

The site lies within the East Devon National Landscape. In determining this application, the Council is required, as a relevant authority, to seek to further the statutory purpose of conserving and enhancing the natural beauty of the protected landscape. Government guidance explains that this is an active duty, requiring reasonable and proportionate steps to recognise that purpose in decision-making. In this case, that duty is addressed through careful consideration of siting, landform, visibility, existing landscape features and opportunities for mitigation and enhancement.

Unlike the previously refused woodland-based proposal (24/1544/FUL), the slurry lagoon is sited within an open agricultural field and has been formed using graded, bunded earthworks seeded with grass, allowing it to sit comfortably within the existing landform. Whilst the as-built lagoon presents a more rounded profile than the rectilinear form shown on the submitted drawings, this reflects the practicalities of constructing earth-worked features rather than a substantive deviation from the drawings. The lagoon remains consistent with the submitted plans in terms of its siting, footprint and overall scale, and its visual presence is not materially altered. On this basis, the drawings are considered to provide a sufficiently accurate representation of the development to enable the imposition and enforcement of any relevant planning conditions.

The lagoon is well screened by existing woodland to the north and west. More distant views are available to the south across the valley from areas of public access woodland, however these are filtered by intervening vegetation and occur at sufficient distance that any visual impact would be slight to negligible, varying with season. Woodland to the north currently screens views from the bridleway; even if felling were to occur in accordance with a Forestry Commission licence, views would be limited and largely restricted to partial glimpses over retained banks and through boundary trees.

In this context, the development is considered to integrate satisfactorily into its landscape setting and would not result in undue harm to the natural beauty of the National Landscape. In addition, the recommended landscaping and compensatory planting condition would secure reinforcement of boundary vegetation and canopy cover, helping to conserve and enhance the landscape character of the site and its immediate surroundings. Taking account of the limited visual effects identified, the retention of important landscape features and the scope for mitigation and enhancement, officers are satisfied that approval of the development would be consistent with the Council's duty to seek to further the statutory purpose of the East Devon National Landscape, as well as with Strategy 46 and relevant national policy.

It is noted that the Landscape Architect identified a mound of spoil adjacent to the hardstanding near the highway, which may have originated from recent excavation works. However, there is insufficient evidence to demonstrate that this material is directly attributable to the construction of the slurry lagoon that is the subject of this application. In the absence of a clear link to the development, it is not considered reasonable or necessary to control its management or disposal through this planning permission. Any storage, handling or disposal of spoil remains subject to relevant separate legislation and guidance; however, should evidence emerge that the deposit constitutes unauthorised development or results in harm, it may be expedient for the Local Planning Authority to investigate the matter further through its planning enforcement powers.

Trees and Hedgebanks

The Council's Tree Officer has advised that excavation works associated with the installation of the lagoon have encroached into the south-eastern hedge bank, resulting in damage to the root systems of mature beech coppice stools. These trees exhibit veteran characteristics and are of high biodiversity value. In addition, the intensification of use of access tracks through adjacent woodland has the potential to have caused localised soil compaction, although this is partly mitigated by recent woodland clearance undertaken under licence.

The Council's Landscape Architect confirms that limited grading appears to have taken place at the base of the hedge bank and agrees that, while additional planting is not required to mitigate visual impact, planting would be appropriate to address the arboricultural harm identified. The potential loss or decline of boundary trees could, over time, incrementally increase visibility of the lagoon and erode the traditional field boundary structure characteristic of the landscape.

On this basis, while the impacts identified do not warrant refusal of the application, they do amount to residual harm when assessed against Policy D3. To mitigate this and to preserve and enhance landscape character, it is therefore necessary to secure a condition requiring the submission and implementation of a detailed landscaping scheme. This should include native tree and shrub planting, focused particularly to the north and west of the lagoon, to increase canopy cover, reinforce boundary vegetation, and compensate for damage already incurred.

Highways and Access

Access to the slurry lagoon is taken via an existing agricultural track connecting to the public highway. This route has long been used as part of the agricultural operation of the holding and is established in character and function. The proposal does not introduce any new points of access onto the highway network.

The Design and Access Statement explains that the lagoon is intended to serve surrounding farmland efficiently, thereby minimising vehicle movements associated with the transfer, storage and spreading of slurry. The applicant confirms that the lagoon will be used solely for slurry arising from within the same agricultural holding and that no slurry will be imported from third-party operations. The slurry will

primarily be applied to adjacent land via an umbilical spreading system, thereby significantly reducing the need for transport by tractor and tanker. While it is acknowledged that there may be occasional circumstances where slurry is transported to other land within the applicant's control, this reflects existing operational practices across the wider holding and would not amount to a material intensification of traffic movements beyond the established agricultural baseline.

Officers note that slurry and agricultural materials have historically been transported to and from this landholding using the existing access tracks for a number of years. On that basis, and having regard to the scale and nature of the proposal, it is not considered that the development would result in a material increase in traffic generation or give rise to unacceptable impacts on highway safety or the operation of the local road network.

The Highway Authority has not raised any objection to the proposal, and officers are satisfied that the existing access arrangements are adequate to serve the development. The proposal is therefore considered to comply with Local Plan Policy TC7.

The Council's Tree Officer has noted that, while the access tracks are pre-existing, their use has the potential to affect soil conditions locally within adjacent woodland areas. It is also noted that the woodland compartment closest to the lagoon has been subject to recent felling under a Forestry Commission licence, which alters the immediate context. Any ongoing or future impacts associated with access use, including potential mitigation measures, are matters of arboricultural assessment rather than highway safety and are addressed elsewhere in this report.

Air quality impacts

Natural England's initial consultation response referred the decision-maker to its air quality standing advice, including screening using the Simple Calculation of Atmospheric Impact Limits tool (SCAIL). In response, the applicant has submitted details confirming the maximum storage capacity, storage surface area and duration of storage in order to inform the screening process.

Initial screening demonstrates that, on its own, the proposal would not give rise to any adverse air quality impacts on internationally or nationally designated wildlife sites (SSSIs and SACs). A further stage of assessment requires consideration of potential effects in combination with other developments. A review of other relevant planning applications within five kilometres of the site has been undertaken, and no developments have been identified which, when considered alongside this proposal, would result in thresholds for adverse effects being exceeded. On this basis, no further air quality assessment is required in respect of protected wildlife sites.

In relation to ancient woodland, initial screening was unable to rule out the potential for an adverse effect on Great Shrubbery Ancient Woodland to the north of the site. In response, the applicant has submitted a detailed Air Quality Assessment (AQA). This assessment concludes that the contributions arising from the development in terms of ammonia, nutrient nitrogen and acid nitrogen are all below one hundred percent of the relevant critical levels and critical loads. In accordance with

Environment Agency air emissions risk assessment guidance¹, impacts at this level are regarded as insignificant.

Published guidance from the Woodland Trust² and the Institute of Air Quality Management³ questions the use of a one hundred percent critical level or load threshold for ancient woodland. However, there is currently no statutory or nationally adopted planning guidance requiring a lower threshold to be applied, and Natural England's published standing advice on air quality does not extend to ancient woodland. In the absence of alternative authoritative guidance, it is appropriate to have regard to Defra and Environment Agency risk assessment guidance, which indicates that impacts below one hundred percent of the critical level or load are not significant.

The submitted AQA has been prepared by a suitably qualified consultant and is based on accepted and recognised methodologies. It identifies that process contributions remain well below the relevant critical levels and loads, including under a worst-case scenario. On this basis, it is concluded that the proposal would not result in deterioration of the nearby ancient woodland arising from air quality effects attributable to this development. The proposal is therefore considered to accord with Local Plan Policy D3 and national planning policy relating to the protection of irreplaceable habitats.

Beer Quarry & Caves SAC

The site lies within Landscape Connectivity and Core Sustenance zones for greater horseshoe and Bechstein's bats, at a distance of 2.87 km from the SAC. A Habitats Regulations Assessment screening has been undertaken which concludes that the proposal would not give rise to a likely significant effect (LSE), either alone or in combination, for the following reasons:

1. No barrier/fragmentation effects;
2. No lighting introduced;
3. No loss of functionally important habitat - the field was arable (maize) and the small area of change is negligible in bat foraging terms; bunds are seeded grass; and
4. No direct effects on SAC roosts or known key roosts.

Accordingly, the need for Appropriate Assessment has been screened out.

Water Environment, Pollution Control and Public Concerns

A number of representations raise concerns regarding flood risk, the potential for overflow of the uncovered slurry lagoon during periods of heavy rainfall, and the risk of pollution to nearby watercourses, leats, groundwater and the wider valley. Reference is also made to the Farming Rules for Water, in particular the requirement that the storage and use of organic manure must not give rise to a significant risk of pollution, having regard to factors such as land slope and proximity to surface water.

¹ [Air emissions risk assessment for your environmental permit - GOV.UK](#)

² [Ammonia Impacts On Ancient Woodland - Woodland Trust](#)

³ [air-quality-impacts-on-nature-sites-2020.pdf](#)

Additional concerns relate to the perceived lack of technical and engineering detail, including lining and containment specifications, rainfall capacity, seepage prevention, long-term durability and monitoring arrangements.

These matters have been carefully considered. In accordance with paragraph 201 of the National Planning Policy Framework, the role of the planning system is to assess whether the development represents an acceptable use of land, having regard to the characteristics of the site and its surroundings, while assuming that separate pollution control regimes will operate effectively. The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and related legislation are specifically designed to regulate construction standards, containment, capacity, permeability, monitoring and ongoing management of slurry storage facilities, and are enforced by the Environment Agency.

The Environment Agency has undertaken a site inspection of the earth-banked slurry lagoon following the legally required prior notification under the SSAFO Regulations. Following an inspection on 5 November 2025 and review of supporting soil testing, the Environment Agency has confirmed that the lagoon visually appears to have been constructed in accordance with the relevant construction standard and that the materials used meet the required permeability thresholds. On this basis, the Environment Agency raises no objection to the proposal and is satisfied that the lagoon complies with the relevant statutory pollution control requirements.

The applicant's agent has provided further clarification in respect of the design and construction of the lagoon. This confirms that soil testing demonstrates that the in-situ clay is suitable and meets the required permeability standards, such that an additional impermeable liner is not necessary under the SSAFO Regulations. It is also advised that the gradients of the earth-lined walls accord with those standards and that the design has taken account of the site's topography. The agent advises that, as constructed, the lagoon is unlikely to be at risk of structural failure such as slumping, and notes that similar earth-banked lagoons are commonly approved on sites with varying levels across East Devon and elsewhere. While such technical matters fall primarily within the remit of the relevant regulatory regime, they are noted as part of the overall context of the proposal.

With regard to concerns about the absence of a cover, it is noted that current regulations do not require earth-lined slurry lagoons to be covered, and that a significant number of such facilities operate without covers. The applicant has indicated that a natural crust will form over time which can assist in reducing ammonia emissions. The absence of a cover is therefore not, in itself, a matter that would justify refusal in planning terms. Should a cover be proposed in the future, it would be capable of assessment under a separate planning application (where required). In this respect, it is likely that any such cover would take the form of a floating cover, which would sit at or near the slurry surface and would be unlikely to materially increase the visual prominence of the lagoon or result in significant additional landscape or visual impacts.

The regulatory regime referred to above requires slurry stores to be designed, constructed and maintained so as to prevent pollution for a minimum design life of 20

years, to provide sufficient storage capacity (typically between four and six months depending on site circumstances), to incorporate appropriate freeboard to accommodate rainfall, and to prevent uncontrolled overflow or seepage. These matters are regulated and enforced outside the planning system and should not be duplicated through planning conditions or requests for detailed engineering verification.

From a land use planning perspective, officers have considered whether the site is inherently unsuitable for slurry storage having regard to its topography, location and surrounding receptors. The lagoon is located on agricultural land on the upper slopes of a valley, with land falling away to the east towards the valley bottom. Environment Agency surface water flood risk mapping indicates that, in the event of an extreme or catastrophic failure, overland flow would not be directed towards any residential dwellings. Records confirm that there are no private water supplies within 50 metres of the site.

In such a scenario, the primary receptors would be watercourses within the wider catchment rather than people or property. The control, mitigation and remediation of any pollution incident affecting controlled waters falls within the statutory remit of the Environment Agency, which operates incident response and enforcement powers independent of the planning system.

Taking the above into account, and having specifically considered both the characteristics of the site and the potential consequences of a failure scenario, officers place significant weight on the Environment Agency's inspection, specialist oversight and confirmation that the lagoon complies with the relevant statutory pollution control regime. On this basis, the proposal is not considered to represent an unacceptable use of land in this location and would not give rise to an unacceptable risk to the water environment in planning terms. It is recommended that an informative be attached to any planning permission to draw attention to the ongoing regulatory responsibilities under the relevant pollution control legislation.

PLANNING BALANCE AND CONCLUSION

The retrospective slurry lagoon provides additional storage capacity to support the agricultural holding and enables slurry to be applied at agronomically appropriate times, reducing the risk of pollution. Significant weight is attached to the Environment Agency's inspection and confirmation that the lagoon complies with the relevant statutory pollution control regime, and to the absence of objection from Environmental Health.

Members are reminded that compliance with the SSAFO Regulations, the Farming Rules for Water and other pollution control legislation is enforced by the Environment Agency. The grant of planning permission does not remove or dilute those duties, nor does it authorise any breach of environmental legislation.

The siting, form and scale of the lagoon result in limited landscape and visual impacts within the National Landscape. While localised arboricultural harm has occurred, this can be adequately mitigated through a suitably worded landscaping and compensatory planting condition. With that mitigation in place, officers are

satisfied that the proposal is consistent with the Council's duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the East Devon National Landscape. No highway safety issues are identified and no unacceptable impacts arise in respect of designated sites, air quality or the water environment.

On balance, and subject to the recommended conditions and informatives, the development is considered acceptable and in accordance with the relevant policies of the East Devon Local Plan and national planning policy.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. Within three months of the date of this permission, a detailed landscaping and arboricultural mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

Native tree and shrub planting sufficient to compensate for damage to the hedgebank and woodland soils;
Details of species, sizes, densities and locations, focused particularly to the north and west of the lagoon;
A timetable for implementation and a minimum five-year management and replacement programme.

The approved scheme shall be implemented in full during the first available planting season following approval and thereafter maintained. 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.
(Reason - To mitigate arboricultural harm and preserve landscape character, in accordance with Policy D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Informative - Slurry storage

The development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with:

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, known as Farming Rules for Water (FRfW),

The Environmental Permitting (England and Wales) Regulations 2016 (EPR)

The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Slurry produced must be able to be stored in accordance with the regulations on capacity, construction, and the associated calculations and records. Depending on the relevant regulations, slurry stores must have the capacity to store 4, 5 or 6 months slurry and:

rainfall expected to enter the store during the storage period including yards and roofs; and

any wash water or other liquids that enter the store during that period.

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

Biodiversity Net Gain Informative:

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemption 2 from the list below is considered to apply:

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

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

to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

Plans relating to this application:

	Proposed Combined Plans	27.11.25
SM1	Location Plan	27.11.25
Existing site sections	Sections	12.01.26
5000/01	Proposed Site Plan	24.04.26

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.