

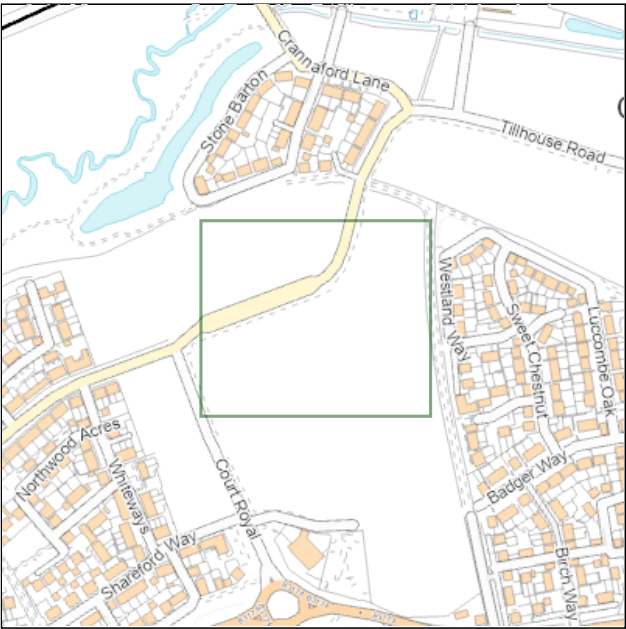
**Ward** Cranbrook

**Reference** 24/2250/FUL

**Applicant** Taylor Wimpey UK Ltd

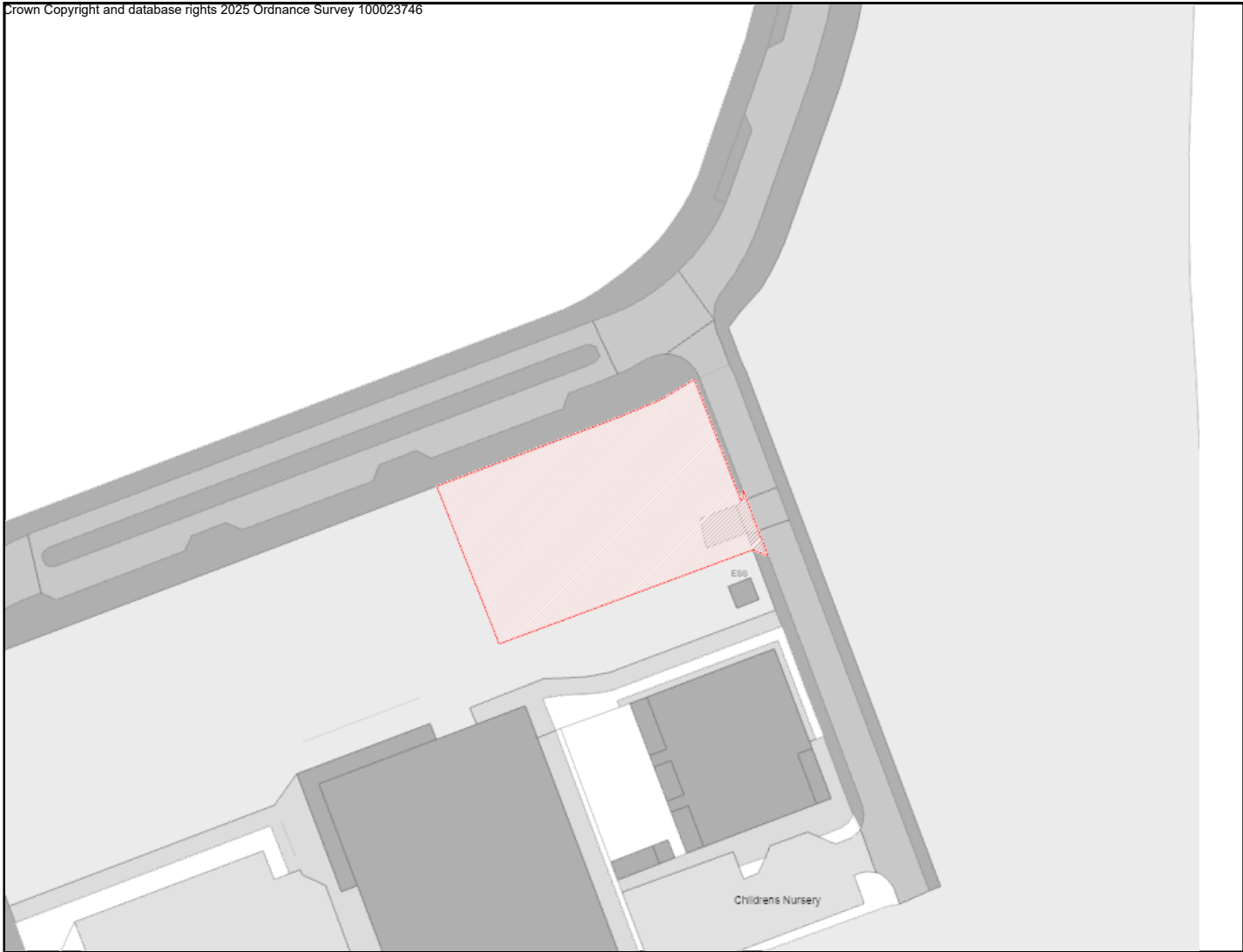
**Location** Land To The South Of Tillhouse Road  
Cranbrook

**Proposal** Erection of a temporary sales centre with  
associated car parking (retrospective)



**RECOMMENDATION: Approval with conditions**

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|------------------------------|---|-----------------------------------|
|                              |   | <b>Committee Date: 28.01.2025</b> |
| <b>Cranbrook (Cranbrook)</b> | <b>24/2250/FUL</b>  | <b>Target Date: 31.12.2024</b>    |
| <b>Applicant:</b>            | <b>Taylor Wimpey UK Ltd</b>   |                                   |
| <b>Location:</b>             | <b>Land To The South Of Tillhouse Road</b>  |                                   |
| <b>Proposal:</b>             | <b>Erection of a temporary sales centre with associated car parking (retrospective)</b> |                                   |

**RECOMMENDATION: Approval subject to conditions.**

### **EXECUTIVE SUMMARY**

**This application is before members as the recommendation to approve is contrary to the views of the Town Council and Ward Members.**

**The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook. The site previously comprised of a broadly rectangular parcel of vacant green space however at present the site is home to the unauthorised sales centre, car parking and landscaping which is the subject of this application.**

**The application seeks retrospective planning permission for the erection of a temporary sales centre with adjoining toilet and utility block, Temporary Builders Supply (TBS) enclosure for electricity and associated car parking and landscaping. The proposal would be accessed via the existing access and car parking area from Elm Drive that serves the adjacent residential uses above the town centre commercial units. The application originally proposed that the consent would be for a period of 2 years however this was recently amended to request permission until 22 August 2025.**

**The application site has an existing permission for the construction of the southern side of the high street comprising a mix of retail units and residential dwellings under reserved matters approval 21/2020/MRES. The site is located on Phase 2 of the development and this phase of development was also controlled by Condition 3 of 21/2020/MRES which required further details of boundary treatments and soft landscaping and stated that the measures approved shall only be removed to facilitate the undertaking of the Phase 2 development or unless otherwise agreed in writing by the Local Planning Authority. These measures were removed to facilitate the sales centre.**

**Policy CB21 of the Cranbrook Plan (2022) recognises that the town centre will take time to develop and proposals for meanwhile uses will be encouraged, however Policy CB21 is clear that any meanwhile uses would need to be laid out so that they do not prejudice the future delivery of permanent development. The development subject of**

**this application prevents the completion of the Phase 2 permanent development.**

**The application is retrospective, and the development has been completed. The sales centre and its associated development are the subject of an enforcement notice which the applicants have appealed, and it should be noted that the appeal has not been submitted under Ground A (that planning permission should be granted). At the time of writing, an informal hearing is due to be heard on 25 February 2025. The appealing of an enforcement notice places the notice in abeyance pending the outcome of the appeal. As a result, if the appeal is dismissed and the enforcement notice upheld, then the period for compliance will only begin once the appeal decision is issued. The enforcement notice gave 3 months for compliance. An outcome of the appeal is unlikely to be received before the end of March 2025, meaning that the shortest period that the sales centre will be on-site is around the end of June 2025 but could be longer if changed by the Inspector. It is a result of these material considerations that consideration is given to whether the issuing of a temporary planning permission for a few months longer than the minimum period that the sales centre is likely to be in-situ would significantly prejudice the delivery of Phase 2 of the High Street.**

**The design of the proposed development is typical of a temporary building and is not something that would be acceptable in this location other than as a short term, temporary building. It would comply with policies in relation to impact on neighbours, access and transport. The proposal would be a meanwhile use which is in principle supported by Policy CB21 however the site has an existing permission for a permanent building and therefore the proposal would actually conflict with Policy CB21. However, as the sales centre would only be required until 22 August 2025 and given the ongoing enforcement appeal and timescales which is a material consideration, it is considered that allowing the sales centre to remain on site until 22 August 2025 is unlikely to significantly prejudice the delivery of Phase 2.**

**Due to the conflict with Policy CB21 the proposal is not fully in accordance with the development plan but there are material considerations that indicate that a temporary planning permission ought to be approved in this instance.**

**The application is therefore on balance recommended for approval subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

**Clerk To Cranbrook Town Council – 12 December 2024**

The Town Council maintains its objection and makes the following comment. Given the concern that there is every likelihood that occupation of the site will not cease as promised because of the many town centre dwellings that are yet to come forward in three town centre parcels, and the fact that despite the amended timescale the remaining reasons for objection have not been addressed, it is recommended that the Committee maintain its objection in this case and that the Local Planning Authority continue to pursue the enforcement and removal of the unauthorised sales cabin and associated infrastructure.

#### Clerk To Cranbrook Town Council – 18 November 2024

The Town Council raises objections on the following grounds:

The erection of the sales cabin in this part of the town centre is contrary to policy CB21.

The cabin is business class C3 and does not fall within the desired temporary business class uses;

The location prevents development of the second phase of retail premises and is likely to do so for some time. It does not contribute to the future vitality and viability of the town centre and does prejudice the future delivery of permanent development;

The structures used to accommodate the sales cabin together with its setting, is not of a high quality finish and does not therefore achieve a successful attractive and welcoming environment for the emergent town centre.

The suggestion that the existence of the cabin will encourage people into the area (and increase use of the neighbouring businesses) is not supported;

The sales cabin does not encourage commercial, social and cultural activities and does not contribute to the development of the town centre area;

There is potential for impacts on highway safety and obstruction by the limited parking available on site;

There is ample space for a temporary sales cabin on one of the other sites owned by the developer and it is a rather selfish act that the developer has elected to occupy other land to keep their three housing parcels free for development;

It is understood that other town centre land was available to the developer which would not have had any impact on town centre progress;

The Town Council is very disappointed that the developer has elected to act as it has in this case and cannot support the retrospective application.

#### Cranbrook - Cllr Sam Hawkins – 18 November 2024

I would like to object to this application based on the following:

The erection of the sales cabin in this part of the town centre is contrary to policy CB21.

The cabin is business class C3 and does not fall within the desired temporary business class uses;

The location prevents development of the second phase of retail premises and is likely to do so for some time. It does not contribute to the future vitality and viability of the town centre and does prejudice the future delivery of permanent development; The structures used to accommodate the sales cabin together with its setting, is not of a high quality finish and does not therefore achieve a successful attractive and welcoming environment for the emergent town centre.

The suggestion that the existence of the cabin will encourage people into the area (and increase use of the neighbouring businesses) is not supported; The sales cabin does not encourage commercial, social and cultural activities and does not contribute to the development of the town centre area; There is potential for impacts on highway safety and obstruction by the limited parking available on site; There is ample space for a temporary sales cabin on one of the other sites owned by the developer and it is a rather selfish act that the developer has elected to occupy other land to keep their three housing parcels free for development; It is understood that other town centre land was available to the developer which would not have had any impact on town centre progress; It is very disappointed that the developer has elected to act as it has in this manner. It appears they have taken a strategic approach of being easier to ask for forgiveness rather than permission.

## Cranbrook - Cllr Kevin Blakey – 12 December 2024

As a ward member for Cranbrook I wish to register my objection to this retrospective application for the reason that this unit was constructed without planning consent and in repudiation of advice given to the applicant by EDDC officers that such use would likely obstruct the development of commercial and residential properties on the site. I consider that the applicant has acted in bad faith in this matter and by doing so any expectation of leniency is forfeit.

## **Technical Consultations**

### Environmental Health – 25 November 2024

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

### South West Water – 13 November 2024

South West Water has no comment.

### Exeter & Devon Airport - Airfield Operations + Safeguarding – 13 November 2024

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

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

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

## **POLICIES**

### Cranbrook Plan DPD 2022

CB21 (Cranbrook Town Centre)

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

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

### Government Planning Documents

## **OFFICER REPORT**

### **SITE LOCATION**

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook, East Devon. The site previously comprised of a rectangular parcel of vacant green space with landscaped bund around the perimeter and the site will be home to the future Phase 2 of the High Street. At present the site is home to the unauthorised sales centre, car parking and landscaping which is the subject of this retrospective application.

The application site is not located within a Conservation Area and is not located in close proximity of any Listed Buildings.

The application site is within the built-up area boundary of Cranbrook and within the town centre as identified on the Cranbrook Plan DPD Policies Map (2022).

### **PLANNING HISTORY**

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)
- 21/2020/MRES | Approval of the reserved matters of access, appearance, landscaping, layout and scale for the southern side of the High Street comprising 10 retail units (to comprise A1, A2, A3, A4, A5 uses, in accordance with the outline consent (now recognised as falling within Class E)) and 26 residential dwellings, with associated engineering works, infrastructure, car parking and landscaping. Discharge of conditions 6, 11, 14, 17, 22, 24, 28, 29, and 37 and partial discharge of condition 33 all of planning permission 03/P1900. (This is a subsequent application in respect of permission 03/P1900 which was accompanied by an environmental statement) (Description of Development Amended via NMA 07/06/2024) | APPROVED (12 May 2022)

The following enforcement application is also relevant to this site:

- 24/F0242 | Land To The South Of Tillhouse Road Cranbrook | ENFORCEMENT NOTICE ISSUED (29/10/2024) APPEAL PENDING

### **APPLICATION**

The application seeks retrospective planning permission for the erection of a temporary sales centre with adjoining toilet and utility block, Temporary Builders Supply (TBS) enclosure and associated car parking and landscaping. The proposal would be accessed via the existing access and car parking area from Elm Drive serving Buckthorne House.

The sales centre is approximately 11.4m in depth, 6m in width and between 2.4m and 3.2m in height. The proposal includes 10 car parking spaces of which 1 is an EV charging point as well as shrub planting and landscaping.

The application originally proposed that the consent would be for a period of 2 years however this was amended to 22 August 2025.

## NEIGHBOUR CONSULTATION

No comments received.

## **ASSESSMENT**

### A) THE PRINCIPLE OF DEVELOPMENT

The application site is within Cranbrook whereby the overarching and fundamental principle is the creation of a town which has positive health and wellbeing outcomes for all its residents.

Policy CB21 (Cranbrook Town Centre) of the adopted Cranbrook Plan DPD (2022) states that the policies map sets out the boundaries of the Cranbrook Town Centre where the heart of the economic, social, cultural and civic activities that support the wider town will take place. The application site is within these boundaries of the town centre.

Policy CB21 also sets out that to support the delivery of the town centre, proposals for meanwhile uses will be encouraged. A meanwhile use is defined in the Plan as the short-term use of land awaiting longer-term development. It allows for the future needs of the community to be accommodated as they emerge and can assist in planning for permanent facilities by testing needs and demands. Policy CB21 explains that such uses would need to demonstrate that they can contribute to the future vitality and viability of the town centre and be laid out so that they do not prejudice the future delivery of permanent development including the delivery of the market square. In addition, the buildings/structures used to accommodate such uses together with their setting, must be of a high-quality finish to ensure that a successful attractive and welcoming environment for the emergent town centre is achieved. Permissions granted under this option will be made temporary and their time period for retention restricted to help facilitate permanent town centre development.

The application site has an existing permission for the construction of the southern side of the high street comprising a mix of retail units and residential dwellings under reserved matters application 21/2020/MRES. When granting reserved matters approval for the southern side of the high street, the development was split into two phases. Phase 1 comprised the entirety of the western development Block A (5 retail/commercial units (now

4) with 12 homes above) and part of the eastern Block B (2 retail/commercial units with 5 homes above) and Phase 2 completes Block B with a further 4 retail/commercial units and 9 homes above. At present, Phase 1 of the development has been constructed with the residential units occupied and the retail/commercial units in the process of being fitted out and occupied. The site is located on Phase 2 of the development and this phase of development was controlled by Condition 3 of 21/2020/MRES which required details of boundary treatments and soft landscaping on the Phase 2 Land. The condition also states that the measures approved shall only be removed to facilitate the undertaking of the Phase 2 development or unless otherwise agreed in writing by the Local Planning Authority.

Whilst it is acknowledged that meanwhile uses are supported in principle, the sales centre being located on a site with an existing permission for a permanent development would conflict with the requirements of Policy CB21. The Phase 2 land represents the only land in the town centre with an extant detailed consent for non-residential uses. It is understood that all the retail/commercial units in Phase 1 have been let. At the time of writing at least two of these units are open and others are in the process of being fitted out. It is therefore clear that there is demand for non-residential floorspace in the town centre.

The Council issued an enforcement notice requiring the removal of the sales centre and associated parking and infrastructure and for the site to be restored to its former condition within 3 months of the notice taking effect (28 days after service). The applicants have appealed this enforcement notice, which at the time of writing is due to be heard at an appeal hearing on 25 February 2025. Whilst the decision date of this appeal is unknown, the earliest the decision is likely to be issued is the end of March 2025 and should the enforcement notice be upheld, the 3 months compliance period would re-start on the date of the decision. This would mean that the applicants if the appeal is upheld would have at least until around the end of June 2025 to remove the sales centre. Should the enforcement notice be quashed, the council would have to re-consider the available options which could be to re-issue an enforcement notice with a further compliance period. As part of the Applicant's Statement of Reasons submitted with the enforcement appeal it stated that the sales centre would not need to be in situ for any longer than 9 months to sell the remaining plots within Cranbrook. As the sales centre was erected in October 2024, this means that by the end of August 2025, there would be no need for the sales centre in this location.

Following discussions with the applicant, the temporary period sought has been changed from two years to 22 August 2025. This time scale gives the applicants sufficient time to sell their remaining houses in the town that already have a detailed consent (c. 22 homes). The presence of a sales centre in this location is likely to exist to the end of June 2025 regardless of the outcome of the appeal and extending this time period until 22 August 2025 is not considered to significantly prejudice the delivery of Phase 2 of the High Street and represents a pragmatic solution to the current situation. At present the exact timetable for the delivery of Phase 2 is not known but officers are aware that at least one offer to purchase the land has been made and therefore it would not be appropriate for the sales centre to remain on-site beyond the period sought.

It is recognised that the Town Council and Ward Members object to the application on the grounds of a conflict with Policy CB21 and concerns that the sales centre will remain beyond the period sought, however the application must be determined based on the submitted information, which only seeks permission until 22 August 2025. The applicants do indeed hope to receive planning permission for additional housing in the town centre, but



these applications are still pending consideration and do not merit retention of the sales centre beyond the date sought.

In summary, whilst this development would be considered a meanwhile use within the town centre, the proposal would result in conflict with Policy CB21 of the Cranbrook Plan and Condition 3 of 21/2020/MRES as it prevents the completion of an extant planning permission for permanent town centre development. The sales centre is likely to be on site until at least the end of June 2025 regardless of the enforcement appeal outcome and an extension of time beyond this would allow the applicant to sell the remaining dwellings in Cranbrook and would not significantly prejudice the delivery of Phase 2 of the High Street. Given these material considerations, officers recommend that subject to a condition requiring the removal of the sales centre on or before 22 August 2025, the principle of the development is acceptable on balance despite the conflict with Policy CB21.

## B) DESIGN, SCALE AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) seeks to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high-quality design and locally distinctive design.

The application is retrospective and involves the erection of a temporary sales centre with adjoining toilet and utility block, TBS enclosure and associated car parking and landscaping. Some of the car parking installed overlaps with the location of car parking approved under 21/2020/MRES but other spaces are on the site of small garden areas approved under the reserved matters consent. The landscaping installed on the site includes grassed areas with a variety of shrubs and decorative planting.

The sales centre is approximately 11.4m in depth, 6m in width and between 2.4m and 3.2m in height. The sales centre has been finished in galvanised steel with a cedar cladded porch and aluminium windows. The sales centre also includes an overhanging fascia and on the wider site there are advertisement boards, banners and flagpoles but these latter items are not subject of this application as control of these is dealt with under separate Advertisement regulations.

The site is located on Tillhouse Road and is highly visible from the wider town centre. The overall scale of the sales centre is acceptable. As a single storey building it is significantly lower in height than the three storey buildings immediately to the west but the nature of the sales centre and the varying heights of other buildings in the locality mean that it is deemed appropriate for a temporary building in this location. The overall layout is deemed

acceptable although it is noted that the sales centre is single aspect and does not address spaces to the east and west of the unit. The landscaping installed helps softens the development. The overall layout of car parking raised no concerns notwithstanding this is a temporary use and arrangement.

Policy CB21 sets out that any meanwhile uses must be of a high-quality finish to ensure that a successful attractive and welcoming environment. The sales centre has a rectilinear form and is rather simple in appearance with very limited visual interest; it is a 'standard' temporary sales centre unit that is replicated across the country on housing developments, the difference here being that it is on land in a town centre that does not have housing development taking place adjacent to it. Other existing permanent development in the town centre is also simple in appearance but include features of added interest such as projecting elements and tiles on the High Street Buildings and the lime green features on the nursery to the south. The development is functional in its design and appearance, is of no discernible architecture merit, includes limited detailing and includes areas of close boarded fencing to the rear which fails to be high quality. The overall design is not particularly high quality and would fail to meet the requirements of Policy CB21 however as the permission is temporary, the harm as result of the development is limited and on balance the proposal would be acceptable as a temporary building. It is noted that the level of advertising on the site is excessive and some of the signage does require advertisement consent; at the time of writing no such application has been made.

Objections on design grounds have been received from the Town Council and ward member who do not feel that the building is of the high-quality standard expected in this prominent location. For the reasons given, officers are of the view that whilst the design is not that which would be sought for a permanent town centre development, permission for the short period of time requested means that any limited harm is temporary in nature and the application does not merit refusal on the basis of design.

The proposed design and scale are considered to be acceptable in this instance as the proposal would be a temporary building and on balance would comply with Policy CB21 and D1, Strategy 48 and the NPPF.

## C) THE AMENITY OF NEIGHBOURING PROPERTIES

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the adopted Local Plan (2016) states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. Pollution of the atmosphere by gas or particulates, including: smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
  - a) Rivers, other watercourses, water bodies and wetlands.
  - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection

areas. c) Harbours, estuaries or the sea. 3. Noise and/or vibration. 4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value. 5. Fly nuisance. 6. Pollution of sites of wildlife value, especially European designated sites or species. 7. Odour

The sales centre is located within the town centre and approximately 20m to the east of Buckthorne House, which has residents living above the ground floor uses; these residents have their parking located in the wider car parking area that is served off the access used by the sales centre. Given the separation distance and scale of the development, the proposal is not considered to result in harm to neighbouring properties in terms of overlooking, overbearing or overshadowing impacts. Furthermore, Phase 2 of the development has been approved for a three-storey building which is significantly larger than the sales centre.

The sales centre also includes a generator which could result in noise and disturbance. The application was reviewed by the District Council's Environmental Health Officer who does not anticipate any environmental health concerns. The Temporary Builders Supply (TBS) enclosure is for temporary electrical connections and whilst this may result in a low level of noise and disturbance, the unit is enclosed and is located a sufficient distance from properties. Existing levels of road noise from Tillhouse Road would also reduce the impact of the enclosure.

The proposed development is considered to comply with Policies D1 and EN14.

#### D) TRANSPORT AND ACCESS

Policy TC2 (Accessibility of New Development) of the adopted Local Plan (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted Local Plan (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the adopted Core Strategy (2016) states that the outer boundary of the aerodrome safeguarded areas and the Public Safety Zones for Exeter International Airport are shown on the Proposals Map. Within these areas planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns.

The application site is located adjacent to bus stops on Tillhouse Road and would be within walking and cycling distance of existing and proposed properties and existing facilities. For

pedestrians the site is accessed from Tillhouse Road. Cycle parking is not provided as part of the development however there are public cycle stands within the town centre and given that this is temporary planning permission the conflict with Policy CB20 is minor. In any case, given the site's location is it well connected and accessible by several modes of transport in accordance with TC2.

The proposal is accessed via the existing junction onto Elm Drive as approved under 21/2020/MRES and includes an additional 10 car parking space to the north of the shared drive with one of the spaces including an EV charging point. The number of trips generated by the development is considered to be low and would be significantly lower than the permanent development approved on this site, which includes shops on the ground floor and residential uses above, with no dedicated parking available for shoppers or staff of the commercial/retail units. The proposal would have very limited impact on the road network or highway safety and is considered to be in accordance with TC4 and TC7. The objections of the Town Council on the grounds of limited car parking are noted but for the reasons given, officers do not consider there to be material harm.

Exeter Airport has examined the development from an Aerodrome Safeguarding aspect and the proposal does not appear to conflict with safeguarding criteria.

The proposed development is therefore considered to be acceptable in terms transport and would be in accordance with Policies TC2, TC4, TC7 and TC12.

## **CONCLUSION**

In conclusion, the proposed development is considered to be an acceptable design for a short term, temporary building and would comply with policies in relation to neighbour amenity, access and transport. The proposal would be a meanwhile use which is supported in principle by Policy CB21 however the site has an existing permission for a permanent building, the first phase of which has been constructed. The proposal would therefore conflict with Policy CB21 as the sales centre prejudices the future delivery of permanent development.

The applicants have indicated that the sales centre would only be required for 9 months and given the ongoing enforcement appeal and timescales, it is considered that permitting a temporary approval for the sales centre to remain on site until 22 August 2025 is unlikely to significantly prejudice the Phase 2 delivery. This is a material consideration that indicates in support of approving the application contrary to policy.

The proposal is therefore considered to be acceptable and approval on a temporary basis is recommended.

## **RECOMMENDATION**

Temporary Approval Subject to Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

2. The sales centre including any associated car parking and landscaping hereby permitted shall be removed from the site on or before the 22 August 2025. Within two calendar weeks of the removal of the sales centre, car parking and landscaping, the site shall be restored in accordance with the details approved under Condition 3 of 21/2020/MRES that detailed a bund and landscaping for the site.

(Reason - The permission is only justified for a limited period because the proposed temporary sales centre is to provide a facility for the Applicant to promote sales at Cranbrook for houses being constructed pursuant to outline planning permission 03/P1900. A more lengthy permission than that sought would prejudice the delivery of Phase 2 of the High Street approved under application 21/2020/MRES and therefore a condition is necessary to secure the removal of the development and restoration of the site within an appropriate time scale in accordance with Policy CB21 (Cranbrook Town Centre) of the Cranbrook Plan DPD and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan as well as the NPPF 2024 (National Planning Policy Framework).

## NOTE FOR APPLICANT

### Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

**In this case as the application is retrospective, the biodiversity gain condition does not apply.**

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

#### Irreplaceable habitat

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

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

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

#### Informative:

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

#### Plans relating to this application:

|                             |                         |          |
|-----------------------------|-------------------------|----------|
| 0104 C                      | Location Plan           | 05.11.24 |
| LGCHA062                    | Layout                  | 05.11.24 |
| GTC-E-TBS-0001_R1-0 1 OF 1  | Proposed Combined Plans | 04.11.24 |
| 0103-02 REV E : sales cabin | Layout                  | 25.10.24 |

|                                     |        |          |
|-------------------------------------|--------|----------|
| LGCHA062<br>WITH PWR<br>WITH TOILET | Layout | 25.10.24 |
|-------------------------------------|--------|----------|

|                           |             |          |
|---------------------------|-------------|----------|
| powered toilet<br>(rev 1) | Other Plans | 25.10.24 |
|---------------------------|-------------|----------|

#### List of Background Papers

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

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

#### Human Rights Act:

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

#### Equality Act:

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