

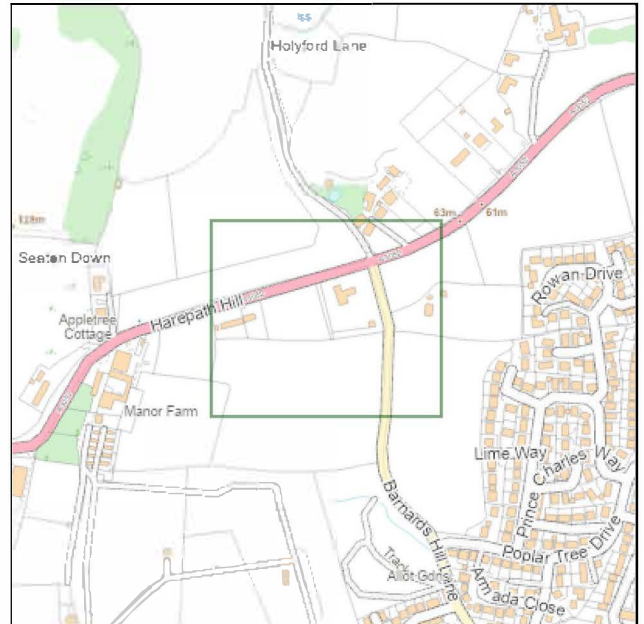
Ward Seaton

Reference 25/0750/FUL

Applicant Mr Justin Werb

Location Barnards Harepath Hill Seaton Devon EX12 2TF

Proposal Construction of 1 no. self build dwelling and associated works



RECOMMENDATION: ADOPT the Appropriate Assessment and APPROVE subject to conditions.

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		Committee Date: 15.07.2025
Seaton (Seaton)	25/0750/FUL	Target Date: 17.06.2025
Applicant:	Mr Justin Werb	
Location:	Barnards Harepath Hill	
Proposal:	Construction of 1 no. self build dwelling and associated works	

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EXECUTIVE SUMMARY

This report is before the Planning Committee because it is a departure from the Local Plan.

The site lies outside the Built-up Area Boundary and is therefore designated as countryside under planning policy. Although the proposal represents a departure from the development plan, the Council's current housing land supply shortfall—standing at 2.97 years—invokes the "tilted balance" under paragraph 11 of the National Planning Policy Framework (NPPF). This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site's location, while outside the settlement boundary, has been deemed accessible to local services and facilities by sustainable modes of transport, as confirmed by a recent appeal decision on the adjacent plot. This decision is a material consideration and supports the view that the development would not result in an undue reliance on private vehicles.

In terms of visual impact, the proposed dwelling would be seen as infill development within an existing cluster of properties. Although it would reduce the gap between neighbouring dwellings, the development would retain a sense of spaciousness and verdancy, consistent with the character of the area. Minor amendments to the design have been made to distinguish it from the adjacent approved dwelling, and the limited visibility from public viewpoints reduces any potential harm arising from a lack of architectural variety.

Access to the site is considered acceptable, with adequate visibility and capacity to accommodate the additional traffic without compromising highway safety.

Ecological impacts, particularly in relation to protected bat species associated with the Beer Quarry and Caves SAC, have been addressed through a sensitive lighting scheme and other mitigation measures. Other matters, including archaeology, drainage, ecology, and materials, are addressed through proposed conditions.

In conclusion, the proposal would make a modest but valuable contribution to local housing supply and economic activity, with no significant adverse impacts identified. The application is therefore recommended for approval, subject to conditions.

CONSULTATIONS

Technical Consultations

South West Water

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Devon County Archaeologist

The county Historic Environment Record shows that there is a concentration of prehistoric activity across this landscape. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known Romano-British and prehistoric activity in the vicinity of the application area. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

EDDC Trees

There are numerous trees growing around the boundary of the site that could be damaged during the construction phase of this project. If planning permission is to be granted it should be subject to a pre-commencement condition requiring the submission of an Arboricultural Method Statement and Tree Protection Plan, to ensure the trees on site are not damaged.

Local Consultations

Seaton- Cllr Derek Haggerty

In principle I support this application, however if it comes to committee I will have a neutral mind and hear all details before making any decision.

Parish/Town Council

Seaton Town Council have no objections to this application.

Other Representations

None received.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2582/FUL	Erection of one dwelling and associated works.	Refusal	28.07.2023
		Appeal Allowed with Conditions	22.10.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

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

EN5 (Wildlife Habitats and Features) Adopted

EN6 (Nationally and Locally Important Archaeological Sites) Adopted

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) Adopted

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

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

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

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

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

Site Location and Description

The site is situated on the north-western outskirts of Seaton in a loosely developed area separated from Seaton by open fields. The land to the south forms a 'Green Wedge' which constrains the expansion of Seaton towards Colyford (and vice versa), but the application site is outside this designation. It is also outside the East Devon National Landscape. About 250 metres to the north west is a promontory fort which is designated as a scheduled monument and 530 metres to the south is the Honeyditches Roman settlement, which is also designated as a scheduled monument.

Although the site is located on the south side of Harepath Hill, it is accessed from Barnards Hill Lane via a driveway serving the host dwelling, Barnards. The site (excluding the access) consists of approximately 0.18 ha of neutral grassland, with an unmetalled dirt track in the south east corner. There is a low vegetated bank on the northern boundary with mature trees separating the site from Harepath Hill. The southern boundary is defined by an established hedgerow with some hedgerow trees and divides the site from the adjacent field. The west boundary joins a neighbouring residential property and is defined by a 1.8m high panel fence. The east boundary joins the plot of a dwelling approved at appeal in 2024 (referenced in the planning history above) which has yet to commence on site.

The site does not form part of the curtilage of Barnards and has not had a planning permission for a change of use away from agriculture despite apparently being used in association with the host dwelling.

ANALYSIS

Planning permission is sought for a detached self-build dwelling on the higher part of a plot of agricultural land adjacent to the site of a recently approved dwelling which in turn is adjacent to the curtilage of Barnards.

The main issues are:

- whether the proposal would provide a suitable location for the proposed development, having regard the provisions of the development plan and the accessibility of services and facilities;
- the impact on the character and appearance of the area;
- highway safety; and
- the effect on the Beer Quarry and Caves SAC.

Location

The site is located near to the main settlement at Seaton but it is about 200m outside the Built-up Area Boundary and therefore in the countryside for planning purposes.

Strategies 1 and 27 of the Local Plan set out the overall strategy for the distribution of housing within the district. This is to direct most housing to the West End and the Built-up Areas of the seven main towns and 15 small towns and larger villages. Strategy 7 of the Local Plan says that planning permission will only be granted in other locations, such as the application site, if the proposal is in accordance with a specific local or neighbourhood plan policy. In the absence of any policy supporting the provision of general market housing (including self-build housing) in this location, the proposal is a departure from the development plan and has been advertised as such. Furthermore, as the site is agricultural land (in the absence of evidence of any other lawful use) it does not benefit from support given in the NPPF for development of brownfield sites.

Notwithstanding the lack of policy support, the Council's 5-year housing supply is only 2.97 years. In accordance with paragraph 11 of the NPPF, this means that the housing supply policies in the local plan are out of date. Furthermore, a so-called 'tilted balance' should be applied and development approved unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Whilst the development plan is the starting point for decision making and indicates refusal, paragraph 11 of the NPPF dictates that an appraisal of the merits of this site should be undertaken.

The site is outside the settlement but has road access to the built-up area via Barnards Hill Lane. Within the settlement there is access to a health centre (800m away), car repair garage (850m), primary school (950m), business units at Fosseyway Park (950m), a hospital (1000m), Scout Hut, Martial Arts Centre and Day Nursery (1050m), and a local shop (1150m). Access to these amenities would mean travelling on a 285m long stretch of single track lane with no pavement or street lighting and few refuge places.

A further consideration is the distance and gradient. The journey from the site to the local amenities is downhill but the distance is likely to be a deterrent in some cases, particularly for those amenities more than 1km away, such as the shop. In addition, the return journey is uphill and more strenuous, particularly if carrying shopping or with young children.

Whilst there is a bus service around the town (Hatch Green 391), it only runs seven times a day with a reduced service at weekends. Furthermore, it can only be accessed via the Barnards Hill Lane which, as already noted, is lacking in pedestrian facilities. The same is true of buses to other towns and villages which can only be accessed via Barnards Hill Lane. Consequently, the bus is not considered to be a convenient or easy to access option.

Given these factors, when the application on the adjacent site was being considered in 2023, it was concluded that a car is likely to be used for most journeys, including to destinations within Seaton, and the application was refused.

However, that application was allowed at appeal and the views of the Inspector in that decision are a material planning consideration. He disagreed on all points and

was satisfied that future occupiers would be able to access a range of services and facilities by sustainable forms of transport, and therefore that there would not be a reliance on the private car. Whilst officers do not agree with this assessment it would be unreasonable to refuse the application on this basis given that an appeal would most likely be successful.

The proposal is therefore regarded as being in conformity with Local Plan Strategy 5B and Policy TC2, which in part seek to ensure that development is located in areas that promote the use of sustainable forms of transport.

Character and appearance

With regard to character and appearance, the Inspector in the appeal on the adjacent site said

“3. The appeal site is an area of open land, situated between existing dwellings alongside Harepath Hill. The area has a reasonably spacious and verdant feel which reflects the rural character of the immediate surroundings. The proposed development would involve the construction of a relatively large single dwelling.

4. At present, the openness of the site provides a gap between the existing homes and it is obvious that the proposed dwelling would reduce that gap to some extent. However, it is clear from the plans that the dwelling would still be situated a reasonable distance from the homes either side, thereby ensuring that the area would maintain its current feeling of spaciousness and verdancy. Furthermore, the new dwelling would represent infill development and would therefore be seen as a logical and coherent addition in the context of its neighbouring properties, rather than an extension of ribbon development into open countryside. In any event, given the natural screening that already exists along Harepath Hill and Barnards Hill Lane, it is likely the proposed dwelling would only be glimpsed from public roads.

5. The Council has set out that the actual design of the proposed dwelling would be acceptable. From the evidence before me I have no reason to disagree with that assessment. Site levels could be addressed via an appropriately worded condition to ensure that the proposed home would not appear to be significantly taller than the neighbouring home known as Barnards.

6. As a result, I therefore conclude that the proposed development would not result in harm to character and appearance. As such, it would conform with Strategy 7 and Policy D1 of the East Devon Local Plan 2016 (LP), the relevant aspects of which seek to ensure that development is well designed and that it preserves character and appearance. I also do not find conflict with LP Strategy 8 given that the site is situated outside of any designated green wedges.”

These comments are pertinent to the current proposal but given that this is a different proposal, some additional commentary is necessary.

The Inspector remarked that the appeal scheme would maintain the area's spaciousness and verdancy. Adding a second dwelling would reduce the gaps between dwellings but would still maintain a level of spaciousness that would be compatible with the character of the area. The retained boundary features would also maintain the verdancy of the area.

The Inspector also agreed with officers that the proposed design was acceptable. This assessment resulted in the same design being proposed for the second dwelling. However, it is undesirable for the dwellings to have the same design in an area characterised by the differences between neighbouring dwellings. In response to this, amended plans were submitted showing minor differences to some of the surface finishes. Although the proposed changes are relatively minor, the limited visibility of either dwelling from public viewpoints significantly mitigates any potential negative impact arising from a lack of architectural variety.

As such, the proposal would conform with Strategy 7 and Policy D1 of the Local Plan.

Highway safety

The site would share an access with Barnards, splitting within a few metres of the entrance. The shared entrance has a suitable gradient and visibility for day-to-day residential traffic. Within the site there would be adequate parking and turning space.

On exiting the site all traffic must turn right as the section of the road running north to Harepath Hill is one way to prevent traffic joining Harepath Hill at a substandard junction. The lane to the south of the site is narrow with limited opportunities to pass but traffic is light and the distance to a wider road is only about 285m. The additional traffic generated by the development could be accommodated on this road without detriment to highway safety.

With regard to the construction phase, there is nothing to suggest that access cannot be achieved safely or without damaging verges and hedgerows.

Beer Quarry and Caves SAC

The site is within the consultation area for the Beer Quarry and Caves SAC and this means that consideration needs to be given to the effects of the proposed development on the particular bat species associated with the protected site. The main effect to consider is the effect of lighting on commuting routes and foraging habitats used by bats. A screening assessment has been undertaken which concludes that owing to the current undeveloped nature of the site, its setting in a sparsely developed area and the large amount of glazing, a significant effect on the SAC cannot be ruled out.

To address this potential impact a sensitive lighting scheme has been produced which would secure the following measures:

- Recessed downlight luminaires to be provided to all rooms throughout the dwelling.
- External lighting limited to building mounted lighting and recessed downlighters only, as shown on the Mitigation Plan (The Lighting Bee, 2023).
- All external lighting will operate by PIR (movement) detectors on short timers (< 1 minute).
- All external building mounted luminaires and recessed luminaires will be downward directional. These luminaires will utilise LED lamps and will therefore emit no UV light, and will have a warm white colour temperature of 3000K.

The above would be secured through planning conditions, along with conditions to remove permitted development rights for new external lighting and new or enlarged windows.

These details have been sent to Natural England as part of an Appropriate Assessment. In response, Natural England have advised that they agree with the conclusion of the Appropriate Assessment which is that subject to the lighting details and removal of permitted development rights, the proposal would not affect the conservation status of the protected bats.

Other matters

Ecology - In addition to addressing the particular issues associated with the Beer Quarry and Caves SAC, the wildlife report covers the broader wildlife considerations. No protected habitats have been identified and no further surveys have been necessary. The main recommendations of the report are therefore to provide enhancements in the form of bat and bird boxes as well as new hedge planting. This can be secured by condition.

Foul drainage - In the absence of a main sewer nearby, foul drainage would be via a non-mains solution. The application form indicates that an existing septic tank would be used but the Foul Drainage Assessment indicates a package treatment plant. Whilst the applicant believes that the septic tank has enough capacity to serve another dwelling, a package treatment plant should be considered first, according to the drainage hierarchy. The agent has clarified that the existing septic tank could be changed to a package treatment plant but as that is outside the application site and the details of the system needed to serve three properties have not been considered as part of this application, such a solution would require a separate planning application (and could not be left to a condition on this application). Notwithstanding the lack of an appropriate foul drainage solution, there is believed to be sufficient space within the application site to deliver a package treatment plant serving the proposed dwelling. Although percolation tests have not been carried out, it is reasonable to conclude that soil conditions are suitable given that the septic tank serving Barnards and Downside drains to a drainage field. Further details of a foul drainage system within the application site can therefore be sought by condition.

Surface water drainage - The application form indicates that surface water would drain to a soakaway. Details of a SUDS solution can be secured by condition,

including measures to prevent run-off reaching the road and the dwelling opposite the driveway.

Privacy - The proposed dwelling would be elevated relative to the recently approved dwelling to the east and unless screening is provided there would be clear views from the proposed balcony into the some of that dwelling's windows and garden at close range. This would create unacceptable levels of intrusion and therefore a condition securing details of a screen on the eastern side of the balcony is necessary.

Scheduled monuments - The site is close to two scheduled monuments in a landscape where there is evidence of prehistoric and Roman settlement. The Historic Environment Service has recommended that a programme of archaeological investigation is undertaken and that details of any findings are recorded. These measures are necessary to comply with policies EN6 and EN7 and can be secured by conditions.

BNG - The proposal is exempt from statutory BNG because it is for a self-build dwelling. However, it would still deliver new hedgerows and habitats that meet the objective in Strategy 47 of the Local Plan to incorporate beneficial biodiversity conservation features.

Trees – There are a number of trees around the site but the proposal, both in terms of its construction and its later occupation, is compatible with the retention of these trees. To ensure that they are not harmed during the construction period, it is necessary to secure a tree protection plan and method statement by way of a suitable condition. Subject to this, the proposal is compatible with Policy D3 of the Local Plan.

CONCLUSION AND PLANNING BALANCE

On the first main issue it has been concluded that the proposal is compatible with Local Plan policies encouraging active travel. On the second main issue it has been concluded that the proposal would be compatible with the character and appearance of the area. In respect of the third and fourth main issues the proposal is satisfactory and in respect of other matters there are no concerns that cannot be addressed by way of conditions.

Returning to the 'tilted balance', paragraph 11 of the NPPF indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a small contribution towards the supply of homes and some economic benefits through the construction phase and longer term through additional spend generated by new residents, who would also help to sustain local services. While these benefits would be small as the proposal is only for one dwelling, in the absence of any adverse impacts, the balance is firmly in favour of granting permission. The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

ADOPT the Appropriate Assessment

and

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. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges, 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.

(The condition is required to be addressed prior to commencement to safeguard existing landscape features that may be harmed during construction, in the interests of amenity and to preserve and enhance the character and appearance of the area, in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013–2031.)

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

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

5. Notwithstanding the submitted details, foul drainage shall be dealt with by a package sewage treatment plant and drainage field which shall be sited within the application site so as not to cause pollution of any watercourse or water sources. Details of this treatment plant, its siting and the drainage field shall be submitted to and approved in writing by the Local Planning Authority before development commences. The dwelling hereby permitted shall not be occupied until the foul drainage system has been provided in accordance with the approved details.

(Reason - The details are required prior to commencement to ensure that they fit efficiently within the site layout, avoid pollution of the environment and/or flooding in accordance with the requirements of Policies EN14 - Control of Pollution and EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Adopted East Devon Local Plan 2013-2031.)

6. Notwithstanding the approved drawings, before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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

carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(A pre-commencement condition is required because construction or ground works could disturb or destroy archaeological evidence. This condition allows for appropriate investigation and mitigation in accordance with Policy EN6 - Nationally and Locally Important Archaeological Sites of the Adopted East Devon Local Plan 2013–2031 and paragraph 207 of the National Planning Policy Framework.)

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

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

9. Notwithstanding the approved plans, no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are approved prior to their use on the building and that they 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.)

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

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local

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

11. The dwelling hereby permitted shall not be occupied until a privacy screen at least 1.7 metres tall (measured from the floor of the balcony) has been provided on the eastern edge of the balcony in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the privacy screen shall remain in place in perpetuity. The privacy screen shall be of sufficient grade to prevent overlooking of Barnards.

(Reason - In the interest of retaining privacy between properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Development shall be carried out in accordance with the recommendations of the Ecological Impact Assessment prepared by Richard Green Ecology dated March 2025. In particular, the bat and bird boxes described therein shall be provided before the dwelling is first occupied.

(Reason - To improve habitats for wildlife in accordance with Policy EN5 - Wildlife Habitats and Features of the Adopted East Devon Local Plan 2013-2031.)

13. No internal or external lighting shall be installed at any time other than in strict accordance with the Lighting Impact Assessment prepared by The Lighting Bee (project no. 1552, dated 24 February 2025).

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed or enlarged in any elevation or roof slope of the dwelling and no enlargement of the dwelling shall be constructed containing any windows or glazed doors without the prior express consent of the Local Planning Authority.

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

15. Notwithstanding the provisions of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings shall be provided within the curtilage of the dwelling without the prior express consent of the Local Planning Authority.

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

16. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended).

The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who intends to occupy the dwelling as their principal residence for at least 3 years from completion.

The Local Planning Authority shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least two months prior to first occupation.

(Reason - To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013 - 2031.)

NOTE FOR APPLICANT

Informative:

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

Biodiversity Net Gain Informative:

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemption 4.5 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.

TREE SAFETY NOTE FOR LANDOWNER:

There are several large pine trees growing on the site's northern boundary. Two of these trees appear to be nearly dead and a third is in declining condition. Given the trees are growing adjacent to a busy main road, the landowner should commission a tree condition assessment of the roadside trees and undertake any necessary safety works.

Plans relating to this application:

BS2394/11.16/01 /JRR Rev B	Proposed Site Plan	22.04.25
	Location Plan	28.03.25
1907 Rev A	Proposed Combined Plans	11.06.25
1906 Rev A	Proposed Floor Plans	11.06.25
1905 Rev A	Proposed Elevation	11.06.25

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.