

Ward Dunkeswell And Otterhead

Reference 24/2226/FUL

Applicant Nest Modern Homes Ltd

Location Land At Weston Mews Weston

Proposal Construction of 3 no. dwellinghouses (2 no. two storey detached and 1 no. single storey detached)



RECOMMENDATION: Refusal

Crown Copyright and database rights 2025 Ordnance Survey 100023746



		Committee Date: 19.08.2025
Dunkeswell And Otterhead (Awliscombe)	24/2226/FUL	Target Date: 15.01.2025
Applicant:	Nest Modern Homes Ltd	
Location:	Land At Weston Mews Weston	
Proposal:	Construction of 3 no. dwellinghouses (2 no. two storey detached and 1 no. single storey detached)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee owing to a difference of opinion between officers and the ward member.

The application seeks full planning permission for a residential development, comprising the construction of three dwellings, on land immediately adjacent to a recent development of 5no dwellings known as Weston Mews at Weston, near Honiton.

Owing to the location of the site beyond the defined Built-up Area Boundary of any defined settlement, the proposal is, in principle, contrary to the policies of both the adopted and emerging Local Plans. Furthermore, there is no neighbourhood plan in place for Awliscombe parish in which the site is located.

The Weston Mews development referred to above was approved in recognition of the presence of a 'fallback' scenario in the form of a previous 'Class Q' prior approval for the conversion of farm buildings that previously existed on the site. As such, it was approved under a different policy context to the current proposal to add further new build dwellings.

However, the boost to housing supply reflects a national objective and therefore weighs in favour of the proposed development. Currently, the District has a significant shortfall in the supply of housing, which has been calculated at 2.97 years as against a requirement to provide 5 years supply.

However, the proposal would introduce additional housing in what is considered to be an unsustainable location.

Weston itself is no more than a hamlet with an extremely limited range of

services and facilities.

Furthermore, although, in pure spatial terms, the site is reasonably proximate to the western edge of Honiton, there are no services or facilities within reasonable walking or cycling distance whilst the majority are within the town centre or other parts of the town a greater distance away.

The nearest bus services, which are in any event for the most part infrequent, are only accessible via stops that are around 0.6 km. away from the site along the road through the hamlet, which is almost entirely devoid of footways, not especially well lit and serves as a commuter route from the Heathpark Industrial Estate. It does not therefore provide a practical, desirable or safe alternative option to the private car.

The site and wider hamlet are not therefore considered to represent appropriate locations at which to encourage housing growth in line with the Local Plan strategy of directing such growth to recognised towns and villages with a much greater level of service and facility provision.

In this regard, there are comparisons with appeal decisions from earlier this year relating to a residential development proposal in Combe Raleigh and Awliscombe where the Inspector upheld the Council's reasons for refusal, principally on grounds relating to the unsustainable location of the respective application sites.

No objections have been raised by technical consultees taking into account the context and constraints of the site.

It is acknowledged that the boost towards meeting housing supply forms a significant material consideration. The National Planning Policy Framework (NPPF) directs decision makers to apply a 'tilted balance' in such circumstances where there is a lack of a 5-year housing land supply whereby there is presumption in favour of sustainable development unless any harm significantly and demonstrably outweighs the benefits.

However, given Weston's lack of sustainability credentials set out above, it is not considered that this presumption should be applied and that the harm arising from the location of the site would not be outweighed by the benefits of the modest contribution to housing land supply that the development would provide.

CONSULTATIONS

Local Consultations

Parish/Town Council

Following a site meeting at which the Parish Councillors voiced their concerns about the impact of the proposed 2 no. two storey houses (Units 3 & 4), adjacent to the

public highway, the applicants submitted this revised application replacing them with a single story bungalow.

Ideally the roof height of the bungalow should be designated within any approval to ensure the main concern remains satisfactorily mitigated.

The Parish Council therefore supports the revised application. It will satisfactorily complete this small development.

Dunkeswell and Otterhead - Cllr Colin Brown

At the present time I am in favour of this development. The site is adjacent to Crosshill Farm, which is being developed for 5 Dwellings, which was Delegated approval.

I will keep an open mind when it comes to committee until I have heard all the comments both for and against.

Dunkeswell and Otterhead - Cllr Yehudi Levine (Original consultation comments)

My concern with this application is an overdevelopment of the site.

Dunkeswell and Otterhead - Cllr Yehudi Levine (Further consultation comments following amendments)

I see no occasion for further comments.

Technical Consultations

EDDC District Ecologist (Original consultation comments)

This report forms EDDC's Ecology response to the full application for the above site.

Relevant documents and drawings:

Preliminary Ecological Appraisal & Biodiversity Metric Assessment, EcoLogic, August 2024

Statutory Biodiversity Metric, date completed 22/08/2024

Site Plan (Doc ID: SP500PRO Rev 1.8), Dalton-Aram Planning Ltd, February 2025

Review of submitted details

Great crested newts

The site is within a great crested newt (GCN) consultation zone. The Preliminary Ecological Appraisal & Biodiversity Metric Assessment considers there are no suitable breeding ponds within 500 m, however OS maps indicate there is a pond within 250 m to the north of the site in a small area of woodland with good connectivity to the development site. Furthermore, the PEA mentions the site provides suitable habitat for amphibians; therefore, it is considered that a Habitat Suitability Index (HSI) survey of the pond should be undertaken with the results of the survey used to inform whether further presence/absence surveys would be required.

Recommendation

I currently submit a holding objection until further information has been provided by the project ecologist addressing the above comments with regard to great crested newts.

Reason: Insufficient information has been submitted to satisfy the Local Planning Authority that the development proposals would not result in an adverse impact on a European protected species. In the absence of this information, the proposal is not in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan, 2013-2031.

EDDC District Ecologist (Further consultation comments)

1 Review of submitted details

These comments are in addition to my previous comments submitted on 15/5/2025. The applicant has submitted the results of the great crested newt (GCN) habitat suitability index (HSI) survey which indicates the nearby pond is unlikely to be used by GCN. I am satisfied that no further survey for this species is required.

No objection subject to conditions.

EDDC Trees (Original consultation comments)

The application site has been covered with overburden and waste materials from the adjacent development that appears to be nearing completion.

Much of the overburden has been placed next to the tree and hedgerows around the boundary of the site, such that there is significant build up within the RPAs.

This smothering of the RPAs is harmful to the trees due to soil compaction and impedes gaseous exchange between the roots and the atmosphere.

I note that the tree report prepared by Advanced Arboriculture does not mention any of the above - the applicant should provide an arb method statement to describe how the overburden will be removed to return ground levels to the original grade within the RPAs and carry out any remedial measures such as decompaction that might be necessary.

EDDC Trees (Further consultation comments)

I note that the updated arboricultural report prepared by Advanced Arboriculture now contains a method statement to cover the necessary remedial measures for the removal of the spoil and waste materials within the RPAs of the trees around the site, and this appears to address my previous comments.

That being the case if the application is approved, I advise a pre commencement condition is applied that requires implementation and adherence to the tree protection and remedial measures outlined in the arboricultural report.

Environmental Health

No objection subject to CEMP condition

Other Representations

Three representations of objection have been received across two rounds of consultation.

Summary of Grounds of Objection

1. Never any farm buildings on the site previously, unlike those on the footprint of farm buildings at Crosshills Farm; this is therefore a greenfield, as opposed to brownfield, site.
2. Outside of any built-up area boundary.
3. Houses not likely to be affordable for local people.
4. Higher ground level has meant noise, smoke, dirt, mud on the road and water flowing out of hedges has had to be endured.
5. Access to hedge boundary with the adjacent chapel for cutting would not be available.
6. Loss of light and privacy.
7. Weston does not have the highways infrastructure to accommodate yet more traffic associated with extra dwellings.
8. Development would detract from character and appearance of hamlet.
9. Further development will add to congestion already experienced.
10. Query how services will cope with further additional demand.
11. Two storey buildings would be obtrusive and out of keeping with immediate area and overall character of the hamlet.
12. No benefit to the local community.

PLANNING HISTORY

24/1984/VAR - Variation of condition no. 2 (approved plans) of planning application 22/0178/FUL (Demolition of existing agricultural buildings and construction of 5 no. dwellinghouses (alternative to residential change of use of agricultural buildings to 5 no. dwellinghouses under Class Q approval reference 21/1887/PDQ)) to permit alterations to design previously approved (partially retrospective) at Western Mews (site formally known as Crosshill Farm), Weston, EX14 3PF (Full). Approved 18/12/24.

22/0178/FUL - Demolition of existing agricultural buildings and construction of 5 no. dwellinghouses (alternative to residential change of use of agricultural buildings to 5 no. dwellinghouses under Class Q approval reference 21/1887/PDQ) (Full). Approved 24/5/22.

21/1887/PDQ - Notification for prior approval of change of use of agricultural buildings to 5 no. dwelling (all habitable rooms have windows providing natural light and ventilation) (Prior Notification). Prior approval granted 1/9/21.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 27 (Development at the Small Towns and Larger Villages) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

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

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP02 (Levels of future housing development) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

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

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy 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

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

(N.B.: There is no neighbourhood plan in force for Awliscombe parish, in which the application site is located.)

ANALYSIS

Introduction

This application is brought before the Planning Committee owing to a difference of opinion between officers and the ward members.

Site Location and Description

The application site comprises a parcel of land, approximately 0.17 hectares in area, located on the northern edge of the hamlet of Weston, to the west of Honiton.

It is located immediately to the north of a very recent development of 5no new build dwellings known as Weston Mews on land previously occupied by farm buildings that originally formed part of Crosshill Farm, the former farmhouse of which is located immediately to the south of this development alongside a further residential property (Crosshill Cottage).

Both the site and Weston Mews development are located on the western side of the Class 3 highway (Weston Lane), which runs from north to south through the hamlet, a short distance to the north of Weston Cross, a T-junction at which the road towards Buckerell branches off to the west.

At the time of the officer site visit the site was largely occupied by considerable amounts of spoil and waste material from the Weston Mews development that had been deposited on it.

Background

The Weston Mews development was granted planning permission (ref. 22/0178/FUL) (and subsequently varied under permission 24/1984/VAR) as a 'fallback' to a prior approval (ref. 21/1887/PDQ) for the change of use, including associated operational development, of the agricultural buildings referred to above carried out under 'Class Q' permitted development rights.

'Class Q' grants permitted development rights to convert agricultural buildings to dwellings and when considering such applications for prior approval, the Local Planning Authority cannot take into account development plan policies such as whether the buildings are in a sustainable location.

The vehicular access to the development utilises the former entrance to the farm building complex off Weston Lane.

Proposed Development

The proposal to which the current application relates involves the construction of 3no dwellings on the adjacent site to the north.

Two of these dwellings would comprise a handed pair of detached two storey three bedroom units with attached single garages. The third dwelling would comprise a three bedroom single storey unit.

The submitted details show all three units incorporating fully pitched roofs with side gables with the attached garages exhibiting an identical form.

The pair of two storey dwellings would predominantly feature painted render external wall finishes beneath slate roofs whilst the single storey unit would incorporate a mainly timber boarded wall finish, also under a slate roof. It would appear from the submitted elevations, read in tandem with the application itself, that the wall finishes would be sat on either stone or brick plinths.

The layout details show all three units oriented on a north/south axis with the principal elevations of each facing into a central shared access driveway/courtyard that would branch off from that serving the existing dwellings to the south. The development would also share the same entrance off Weston Lane as these units.

The scheme would also provide an additional parking space in front of the garages attached to the two storey units together with 2no spaces to the north of the northern of these dwellings and a further 2no spaces in front of the single storey dwelling.

The development has been amended since the original submission through the substitution of a second pair of two storey semi-detached dwellings for the single storey dwelling now proposed (i.e. a reduction of one dwelling) in order to address objections raised by the parish council.

Considerations/Assessment

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

Principle of Development/Five Year Housing Land Supply

Strategies 1 (Spatial Strategy for Development in East Devon) and 2 (Scale and Distribution of Residential Development) of the adopted East Devon Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns.

The proposal would in this case comprise development outside of the Built-up Area Boundary (BuAB) of any town or village as defined in either the Local Plan or the adopted Villages Plan. In policy terms therefore, it would constitute development within the countryside where the provisions of Local Plan Strategy 7 (Development in the Countryside) apply.

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

In the absence of any neighbourhood plan for Awliscombe parish in which the site and the hamlet of Weston are located, it is necessary to consider if there are any other Local Plan policies that would facilitate new build housing development in this location.

In this regard Strategy 27 (Development at the Small Towns and Larger Villages) allows for development (away from named settlements that are considered to be sustainable and capable of accommodating some housing growth) that is promoted via either a neighbourhood plan or a 'community led' approach (such as a community land trust).

However, the proposal in this case is not 'community led' nor, as stated, facilitated by any neighbourhood plan policy.

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

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

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

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate

supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

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

The District Council can currently only demonstrate a housing land supply of 2.97 years in line with the revised standard methodology for calculation introduced via the revised NPPF, thereby falling significantly short of the five-year requirement.

The 2024 NPPF as a material consideration

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

For decision-taking this means:

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

As the above paragraph makes clear, where the policies of the adopted Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, i.e. a presumption in favour of a grant of permission for sustainable development, 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.

Location/Accessibility

Weston is a hamlet that provides very few services and facilities that meet the everyday needs of local residents.

Although the presence of a public house (the Otter Inn), the village/Gospel hall and a shop and restaurant at Heron Farm within the hamlet provides some level of service/facility provision, considered in a wider context these are limited in both number and the scope of the 'everyday' requirements of residents that they would satisfy.

There is no school, village shop (providing a convenience shopping option), post office or doctors surgery or other services or facilities found in villages elsewhere to accommodate the needs of residents.

It is acknowledged that the hamlet is reasonably proximate to the routes of two bus services, namely the nos. 44 and 44A services connecting Exeter and Axminster operated by Stagecoach and the 694 operated by Dartline, essentially a circular service from Honiton that serves a route incorporating Cullompton, Plymtree, Payhembury and Feniton.

However, the full route of the 694 service only operates once a day, on Tuesday, Friday and Saturday mornings, with the timetable showing only the Friday service stopping at the nearest stop to the application site, namely the Otter Inn. It is unclear where the nearest stops to Weston are for the other two services.

The 44A service is appreciably more frequent during Mondays to Saturdays, although there are only two services on Sundays and Bank Holidays. However, the nearest stops at which the service can be accessed are beside close to the bridge over the A30, just under 600 metres to the south of the site. There is no dedicated footway provision along either side of the road over the course of this distance. As such, and taken together with limited street lighting, the frequent presence of parked cars on the road and the road being a popular route for commuters to and from Honiton (in particular employees based at the Heathpark Industrial Estate) and the A373, it is not an especially practical or desirable walking or cycling route for people.

Equally, although Honiton provides a much greater range of services and facilities, including schools and health services, in addition to the factors set out above the distances to the town centre and other parts of the town where many of these are located are essentially prohibitive in terms of the facilitating of ready access by foot or by bicycle.

In such circumstances, given the limited level of services, facilities and employment opportunities available within the hamlet, future occupiers of the dwelling would likely be reliant upon private cars for access to these elsewhere.

Adopted Local Plan Strategy 1 sets out the spatial strategy for housing, prioritising development in the towns and larger villages, with Strategy 7 requiring development in the countryside to not harm the distinctive landscape. In addition, the provisions of Strategy 5B (Sustainable Transport) seek to promote and secure sustainable modes of transport while those of Policy TC2 (Accessibility of New Development) require that new development should be located to be accessible by pedestrians, cyclists and public transport.

The NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and requires that new development should minimise the scope for conflict between pedestrians, cyclists and vehicles.

As such, and for the reasons given, above walking or cycling to Honiton would not be a safe, attractive alternative to the private car. Having regard to the requirements of both national and local policy therefore, the scheme would fail to accord with them.

In short, and notwithstanding the housing land supply position, Weston is not considered an appropriate location for housing growth given its poor sustainability credentials having regard to the factors set out above.

It is therefore considered that the adverse impacts of allowing new build housing within the hamlet, and the conflict with the Local Plan strategy that it would represent, would in this case significantly and demonstrably outweigh the benefits of the limited boost to housing supply that the proposed development would provide having regard to policies for directing development to sustainable locations.

In the circumstances therefore, it is not considered that the 'tilted balance' is applied and the proposal is unacceptable in principle.

It is also considered material to the assessment of the proposal that there are significant comparisons with recent appeal schemes involving residential development proposals at Combe Raleigh and Awliscombe, both of which are comparable distances from Honiton town centre to the application site in this case.

Among the findings of the Inspector in the Combe Raleigh case were the following:

'Combe Raleigh is a small village having limited day-to-day facilities, with regular community groups occurring and a recent permission for a farm shop near to the appeal site, albeit whether it has been implemented has not been detailed. There is a bus service to nearby towns, but it provides no evening or Sunday service, and the bus stop would be over 0.7km away for future occupiers. Given the limited level of services, facilities and employment opportunities available within the village, future occupiers of the dwelling would be reliant upon private cars.'

'The nearest town would be Honiton within which there are a wide range of services and facilities, including schools and health services. The distance to the town centre would be less than 2km, and it may be the case that some residents of the village frequently walk there. However, walking to and from the town would necessitate using a narrow lane that is unlit, has no public footway and limited passing places. There are also several sharp bends near the village that restrict forward visibility, and in some places the undulating gradients are steep. The lane is included within a promoted cycle network, and the Manual for Streets describes a walkable neighbourhood as being a range of facilities within 10 minutes away. Nevertheless, walking or cycling to the town along such roads, particularly in the dark may not be an attractive alternative to the car for some future occupiers.'

In the Awliscombe case the Inspector found the following:

'The proposal is for a sizeable residential development that would expand a village with limited facilities that does not have a BUAB, in a location where a high degree of reliance on vehicles persists and where there are challenges to facilitating safe pedestrian movements to village facilities. Furthermore, the scheme is not specifically supported or promoted by the community as a means to meet its needs. The proposal therefore conflicts with Local Plan strategies 1, 7, 27, 5B and policy TC2 in respect of its scale, location and access to facilities.'

Impact on Character and Appearance of Area

Viewed within both a localised and wider context, the site is largely contained by screening provided by established hedges and trees along its eastern (roadside), northern and western boundaries and the Weston Mews development immediately to its south.

As such, subject to consideration of proposed finished floor and site levels, it is considered that the development could be accommodated without resulting in any significant adverse or harmful impact upon the character and appearance of the surrounding rural area that might otherwise conflict with the relevant provisions of Local Plan Strategy 7 and Policy D1 (Design and Local Distinctiveness). These require, among other criteria, that proposals respect the key characteristics and special qualities of the surrounding area and do not adversely affect important landscape characteristics.

In terms of the character and appearance of the scheme itself, again it is thought that the scale, massing, form, design and appearance of all three units would be largely sympathetic to the essentially rural setting of the site.

The design of the proposed single storey dwelling, in particular, would mostly reflect that of the Weston Mews units.

Although that of the two other units would represent quite a sharp contrast in design approach to these, notwithstanding what is considered to be a slightly negative solid-to-void ratio in regard to window opening sizes their overall simple form, taken together with the comparatively steep roof pitches, subservient garage additions and the inclusion of chimneys, would be sympathetic to the rural context of the site.

It is therefore accepted that the development would satisfy the above-referenced Local Plan policies.

Impact on Neighbour Amenity

There are no immediate neighbouring residential properties to the north or west of the site. Furthermore, although Westondale is located almost opposite the site to the east of the road through the hamlet, a combination of boundary hedge screening and the separation created by the road itself would mitigate against any detrimental effects upon the living conditions of the occupiers in relation to overlooking/loss of privacy or through loss of light to, or outlook or aspect from, this property owing to any dominating, overbearing or intrusive physical impacts arising from the development.

Similarly, the orientation of the three units effectively 'side on' to the five existing Weston Mews units would avoid any adverse overlooking/privacy impacts and the separation distance between the two developments would also mitigate against any harmful spatial or physical relationship between them that might otherwise result in loss of amenity for either, or both, existing and prospective residents.

The development would loosely result in the layout of a total of eight dwellings around a central courtyard with a satisfactory amenity relationship between all units.

In light of these factors it is accepted that the proposal would meet with the criterion of Local Plan Policy D1 that requires that development does not adversely affect the amenity of occupiers of adjoining residential properties.

In terms of the levels of amenity available for the prospective occupiers of the development itself, it is accepted that the units would meet with the respective nationally described space standards for the numbers of bedrooms and occupancy levels.

Highways/Access/Parking

No consultation comments have been received from the County Highway Authority (CHA).

However, given the established nature of the existing former farm entrance to the site together with the present situation where it already serves the five dwellings within Weston Mews, it is not considered that the addition of a further three units would likely materially increase levels of vehicle activity to the extent that there would be any significantly greater risks of danger to motorists or pedestrians.

As stated, the proposals would provide 2no parking spaces per unit which is considered to represent an appropriate level of provision and matches that within the existing development to the south (albeit that there is additional courtyard space available within the latter capable of accommodating extra vehicle parking).

The proposal is therefore considered to meet with the requirements of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

Trees

Concerns have been raised by the Council's Arboricultural Officers regarding the build-up of the spoil and other waste materials within the root protection areas (RPA) of the trees and hedges around the western, northern and eastern site boundaries. This is considered to be harmful to the trees owing to soil compaction. It also impedes gaseous exchange between the roots and the atmosphere.

A revised arboricultural report has therefore been submitted that contains an arboricultural method statement (AMS) that addresses the necessary remedial measures for the removal of the spoil and waste materials from the RPAs. It noted however that these remedial measures need to be undertaken whether or not this application is approved as they are unauthorised development.

This has been reviewed and no objection is now raised subject to a pre-commencement condition being attached to any permission granted requiring adherence to the implementation of the tree protection and remedial measures set out within the AMS.

The proposal would therefore satisfy the relevant provisions of Local Plan Policy D3 (Trees and Development Sites) that require that there is no net loss in quality of trees or hedgerows resulting from development and that a harmonious and sustainable relationship between structures and trees be achieved.

Drainage

No details as to the intended means of disposal of foul drainage from the development have been supplied with the application. However, it would appear from asset information from South West Water (SWW) that has been submitted alongside it that a main sewer connection would be available.

As such, in the event that permission is granted, the provision of confirmed details as to foul drainage disposal could be secured by way of an appropriately worded condition.

In terms of surface water drainage, the application advises the intended use of soakaways. These represent the preferred means of surface water disposal from development within SWW's surface water runoff destination hierarchy and, as such, are considered to be acceptable and in compliance with the provisions of Local Plan Policy EN22 (Surface Run-Off Implications of New Development).

Ecology

The application is accompanied by a preliminary ecological appraisal (PEA) and biodiversity metric assessment (BMA) report.

The Biodiversity Net Gain elements are discussed in the next section of the report.

The principal mitigation, compensation and enhancement measures set out within the PEA are summarised as follows:

- Overnight covering of excavation piles or pipework to avoid entrapment of badgers, hedgehogs and other wildlife as well as daily checking for the presence of wildlife
- Careful removal of any stone piles on site that might be used by reptiles
- Appropriately timed removal of trees outside of the bird nesting season (subject to inspection if within the nesting season)
- Either the avoidance of outside lighting or the implementation of a wildlife sensitive lighting plan
- Provision for bat roosting, bird nesting and invertebrates built into each dwelling
- Creation of a habitat pile using available vegetation, brash, logs and/or grass cuttings
- Planting using wildlife-attracting native tree and shrub species

A great crested newt (GCN) habitat suitability index (HSI) survey has also been carried out that indicates that a nearby pond is unlikely to be used by GCN. No further survey effort for this species is therefore required.

Conditions are therefore recommended by the Council's Ecologists relating to compliance with the PEA measures, the submission for approval of details of soft landscaping proposals and maximum permissible external lighting to each unit.

On this basis, the proposal is considered to be compliant with the provisions of Local Plan Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) that seek to ensure that the negative impacts arising from development are appropriately mitigated and, where not possible, that adequate compensatory habitat creation or enhancement is incorporated in the interests of maintaining biodiversity.

Biodiversity Net Gain

The BMA report referred to above is accompanied by the requisite BNG statutory biodiversity metric, condition assessment and summary of the baseline and post-development habitat units.

The submitted metric has recorded the boundary hedgerows as 'species-rich native hedgerows with trees - associated with a bank or ditch' in moderate condition and has indicated they will be retained post development.

However, the site plan indicates the hedgerows are proposed to be within the private curtilages of the three dwellings and therefore, it is considered that the ongoing maintenance and intervention to maintain their baseline condition (i.e. 'moderate') cannot be guaranteed as these hedgerows will not be in the public realm.

To accord with the Statutory Biodiversity Metric User Guide, the guidance regarding habitat retention should be followed with the metric amended to reflect this guidance

The site plan also indicates a further section of hedgerow is proposed to be planted along the southern boundary of the dwelling on the eastern side of the site. This would provide additional onsite hedgerow biodiversity units and should be reflected in the metric accordingly.

In addition, the PEA and BMA report describes the majority of the site as 'artificial, unvegetated, unsealed surface' and bordered by species rich native hedge bank on the northern, eastern and western boundaries. Aerial photographs indicate this site was previously modified grassland with a 22 m length of hedgerow on the southern boundary; these habitats have since been removed due to activities associated with the adjacent development site.

In accordance with Paragraph 6 of Schedule 7A of Town and Country Planning Act 1990, the onsite habitats and their respective biodiversity values have been taken as the value immediately before the degradation of the modified grassland and removal of the hedgerow; this is reflected appropriately in the metric.

In addition, the temporal multiplier will need to be amended to account for the time between the habitat loss and compensation using the 'delay in starting habitat creation or enhancement' function to accord with the Statutory Metric User Guide, 'Accounting for degraded sites'.

In addition to the degraded habitats noted above, the development proposals also include the loss of two small-sized trees. BNG calculations currently indicate a net loss of area habitat units of -80.67%, or -1.05 biodiversity units and a net loss of hedgerow units of -16.39% or -0.40 biodiversity units. It is acknowledged in the Preliminary Ecological Appraisal & Biodiversity Metric Assessment report that offsite provision will be required to meet the biodiversity net gain objective; given the limited opportunities for onsite enhancement.

This is considered acceptable.

Should the application be approved, the amendments to the metric can be included in the final metric submission with the biodiversity gain plan at the post-determination stage.

Planning Balance

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise.

There is identified conflict with the development plan in that the proposal seeks to build residential development in the countryside outside of any defined settlement BuAB. The proposal does not therefore comprise a plan-led development and there is identified conflict with the development plan in this regard.

The NPPF emphasises the need to significantly boost the supply of housing. East Devon has a significant shortfall in the supply of housing and can only demonstrate 2.97 years' worth of supply. The 'tilted balance' presumption in favour of sustainable development may therefore be engaged and relevant policies that have failed to provide a suitable supply of housing must be considered out of date.

This proposal would deliver a modest number of dwellings to address the significant need for housing in the district. It would also generate short-term economic benefits during the construction phase and longer-term social benefits by providing much-needed housing. The provision of housing, a key priority of the NPPF and Government policy, therefore, carries weight in the planning balance.

It is widely accepted that releasing additional greenfield sites will be necessary to meet the Council's ongoing housing trajectory. While the proposal conflicts with the adopted Local Plan by developing outside of any BuAB, the Council cannot currently demonstrate a sufficient five-year housing land supply.

However, in this case the site and the hamlet of Weston more widely are not considered to be readily accessible to a suitable range of services and facilities, or sufficiently well connected to Honiton or other towns or villages with a greater level of facility and service provision, by means aside from the private car, as to be regarded as an appropriate location for further housing growth.

As such, the proposal would be contrary to the provisions of Local Plan Strategy 5B and Policy TC2, which are not considered to be out of date. The disbenefits of the site location would significantly and demonstrably outweigh other material factors in

favour of the proposed development and as such it is recommended that planning permission be refused.

RECOMMENDATION

REFUSE for the following reason:

1. The site is located in the countryside outside of the Built-up Area Boundary of any settlement as defined in the adopted East Devon Local Plan 2013-2031. It is poorly located in relation to services, facilities and amenities to serve the day to day needs of future occupiers and, in the absence of safe, convenient access for pedestrians and cyclists to such facilities and the nearest public transport services, the proposal would result in increased reliance on private car travel. It is not therefore a sustainable site for residential development. As such, and in the absence of promotion of the development through any neighbourhood plan policy or other community-led model that might otherwise outweigh these concerns, the proposal would not be compatible with the overall strategy for the distribution of housing in the District. As a consequence, the proposal would be contrary to the provisions of Strategies 1 (Spatial Strategy for Development in East Devon), 5B (Sustainable Transport), 7 (Development in the Countryside) and 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (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:

SP500PRO 1.8	REV	Proposed Site Plan	25.02.25
ONALSD1 1.5	REV	Proposed Plans	Combined 25.02.25
ONALSD2 1.5	REV	Proposed Floor Plans	25.02.25
		Location Plan	22.10.24

ONALLD1 1.4	REV	Proposed Plans	Combined	22.10.24
ONALLD2 1.5	REV	Proposed Plans	Combined	22.10.24
ONALLDW1 REV 1.4		Proposed Plans	Combined	22.10.24
ONALLDW2 REV 1.4		Proposed Plans	Combined	22.10.24

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.