

Ward Sidmouth Town

Reference 25/0810/FUL

Applicant Cllr Mike Goodman

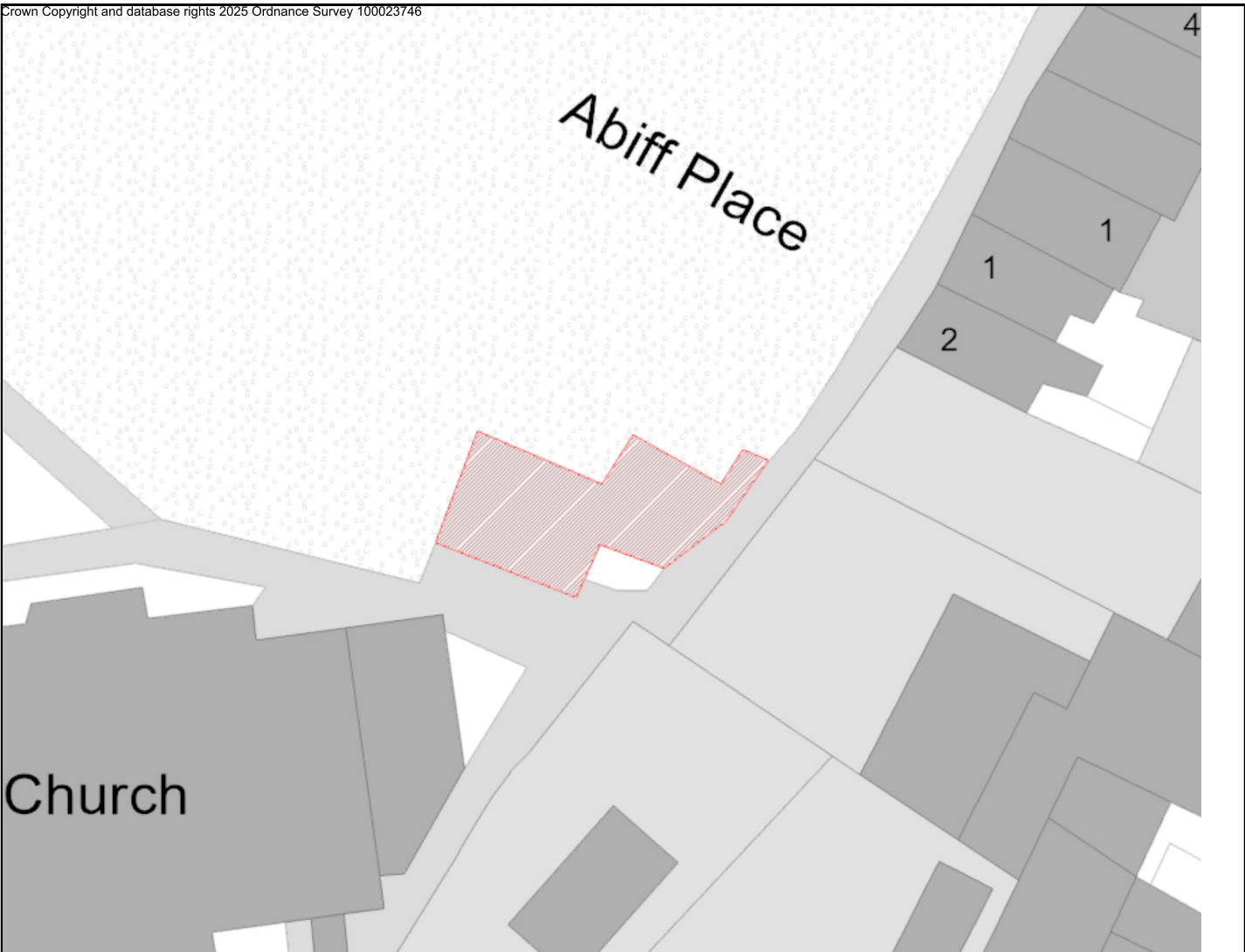
Location Church Cottage Church Lane Sidmouth EX10 8LG

Proposal The retention of fencing, and proposed erection of picket fence



RECOMMENDATION: Approval with conditions

Crown Copyright and database rights 2025 Ordnance Survey 100023746



Reference Number: 25/0810/FUL	Committee Date: 23.09.2025
Ward: Sidford Ward	Target Date: 30/09/2025 (EOT)
Applicant:	Cllr Mike Goodman
Location:	Church Cottage Church Lane Sidmouth EX10 8LG
Proposal:	The retention of fencing, and proposed erection of picket fence.

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant - Cllr Mike Goodman – is a member of the Council – Sidford Ward (see application form).

It is considered that the development is acceptable in principle, will not have any significant, detrimental impacts upon the character of the surrounding area, the Sidmouth Conservation Area and nearby Listed Building, nor would there be significant, detrimental harm to the amenity of neighbours. No other concerns are raised in respect of drainage / flood risk and ecology / biodiversity.

The application is acceptable, accords with the development plan and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Conservation – No objections: *‘On the basis of the information provided through this application, for the retention of retrospective close board fencing and the proposed erection of picket fencing at Church Cottage a curtilage listed building located in Sidmouth Conservation Area. Would on account of the simplistic design, scale and location of the fencing, continue to preserve the setting of the listed building and surrounding conservation area. Case Officer to assess on planning merit.’*

Parish / Town Councils – No objection.

Ward Members – No response.

Technical Consultations

DCC Foot Path Officer (PRoW) – No response.

DCC Highways – No response.

Other Representations - None.

PLANNING HISTORY

- Ref: 08/0340/TCA – Crown Lift 2 Yew Trees by 2 Metres over Lynch Gate – Approval, 13/03/2008.
 - Ref: 25/0724/LBC - Retention of various works to include: lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls; replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl – Approval, 18/07/2025.
-

Policies

National Planning Policy Framework
National Planning Policy Guidance.

Local Plan 2013-2031

Strategy 6: Development within Built-Up area boundaries
Strategy 48: Local Distinctiveness in the Built Environment
Strategy 49: The Historic Environment
Policy D1: Design and Local Distinctiveness
Policy EN5: Wildlife Habitats and Features
Policy EN8: Significance of Heritage Assets and their Setting
Policy EN10: Conservation Areas
Policy EN22: Surface Run-Off Implications of New Development.

Draft East Devon Local Plan (2020 – 2042) - Emerging

Policy SP05: Development inside Settlement boundaries
Policy HN07: Householder Annexes, Extensions, Alterations and Outbuildings
Policy DS01: Design and Local Distinctiveness
Policy PB07: Ecological enhancement and biodiversity in the built environment
Policy HE01: Historic Environment
Policy HE03: Conservation Areas.

Sidmouth Neighborhood Plan:

Policy 1 – Sid Valley Development Principles
Policy 6 – Infill Development, Extensions and Trees
Policy 7 – Local Distinctiveness.

Site Description and Proposal:

The application site comprises the existing dwelling Church Cottage and its rear garden area. The wider site comprises consecrated land, with a number of large, mature trees within the grounds of the Grade II* listed Church of St Giles with St Nicholas. Beyond this, other residential and commercial buildings are present along Church Street.

The site is located near the following listed buildings / heritage assets:

- Church of St Giles with St Nicholas – Grade II* Listed Building.
- Sidmouth War Memorial – Grade II Listed Building.
- The Anchor Inn – Grade II Listed Building.
- Barnwell House – Grade II Listed Building.
- Premises Occupied By Hyatt Antiques / Pottery Plus – Grade II Listed Building.
- Premises Occupied by Sambati – Grade II Listed Building.
- Premises Occupied by Baskerville House / Charles Wood Jeweller / La Boutique / Lake's Plumbers / Ruths – Grade II Listed Building.
- Old Ship Café – Grade II Listed Building.

The site also lies within the Sidmouth Conservation Area.

The application site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area, as illustrated below:



This application seeks the following schedule of works:

- Retrospective Planning Permission for the retention of 1.5m high close boarded fencing along the western boundary.
- Planning permission for proposed erection of a 0.9m high picket fence along the southern boundary.

ANALYSIS

Principle/ Sustainable Development:

The works comprise minor, residential development within the Built-Up Area Boundary of Sidmouth, and is surrounded by residential development. As such, the works are deemed acceptable, in-principle.

Design / Visual Impacts:

No significant concerns are raised in respect of the siting, design / type nor amount of all existing and proposed fencing. The proposed picket fence measures 6 metres long and 0.9m high and will not feature any colour finish. The existing close boarded fencing measures 7 metres long and 1.5m high with return ends measuring 1 and 2m respectively with a natural wood finish. The pre-existing fencing has been confirmed as being approximately 1.5 – 1.8m in height.

The works are not prominent from the street scene and will be limited to views from the adjacent public right of way / footpath.

As such, the works are deemed acceptable in respect of design / visual impacts and in accordance with Local Plan policy D1 and Emerging Local Plan policy HN07.

The Historic Environment:

The council's conservation officer makes the following observations:

'On the basis of the information provided through this application, for the retention of retrospective close board fencing and the proposed erection of picket fencing at Church Cottage a curtilage listed building located in Sidmouth Conservation Area. Would on account of the simplistic design, scale and location of the fencing, continue to preserve the setting of the listed building and surrounding conservation area. Case Officer to assess on planning merit.'

Officers agree with this comment and as such, the works are deemed acceptable in respect of the historic environment and accord with Local Plan policies EN8 and EN10.

Neighbouring Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impacts. As such, the works accord with Local Plan policy D1 and Emerging Local Plan policy HN07.

Drainage / Flood Risk:

The site lies within flood risk zone 1, as identified by the Environment Agency and is not located within a critical drainage area. No significant concerns are raised in

respect of on-site drainage / flood risk in this instance. As such, the works accord with Local Plan policy EN22.

Ecology / Biodiversity:

The site lies within Bat Consultation Area and Landscape Connectivity Zones. Given the small-scale nature and type of the works, no additional information / surveys are deemed necessary in this instance. As such, the works accord with Local Plan policy EN5 and Emerging Local Plan policy PB07.

Conclusion

In this case, the proposed development is considered acceptable in principle due to its minor, residential type / nature. The final design and siting are also deemed satisfactory, with no significant adverse impact anticipated on the amenities of nearby dwellings. Furthermore, there are no outstanding concerns regarding the historic environment, drainage or flood risk, highway safety or access, nor ecology or biodiversity.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

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

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 BG conditions states that development may not begin unless:

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

In this case the planning authority you should submit the Biodiversity Gain Plan to is East Devon District Council.

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.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be viewed in full using the following link: Biodiversity net gain - GOV.UK (www.gov.uk)

Householder applications are exempt from submitting a Biodiversity Gain Plan so you do not need to take any further action in this regard.

Plans relating to this application:

- Location Plan – Ref: CC-002.
- Cottage Fence Plan - Ref: CC-003: Cottage Fence.
- Block Plan – Ref: CC-001.
- Proposed Picket Fence Elevations – Received 02/09/2025.
- Existing Side Close Boarded Fencing Elevations – Received 02/09/2025.
- Existing Front Close Boarded Fencing Elevations – Received 02/09/2025.

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.