

Ward Clyst Valley

Reference 25/1487/PIP

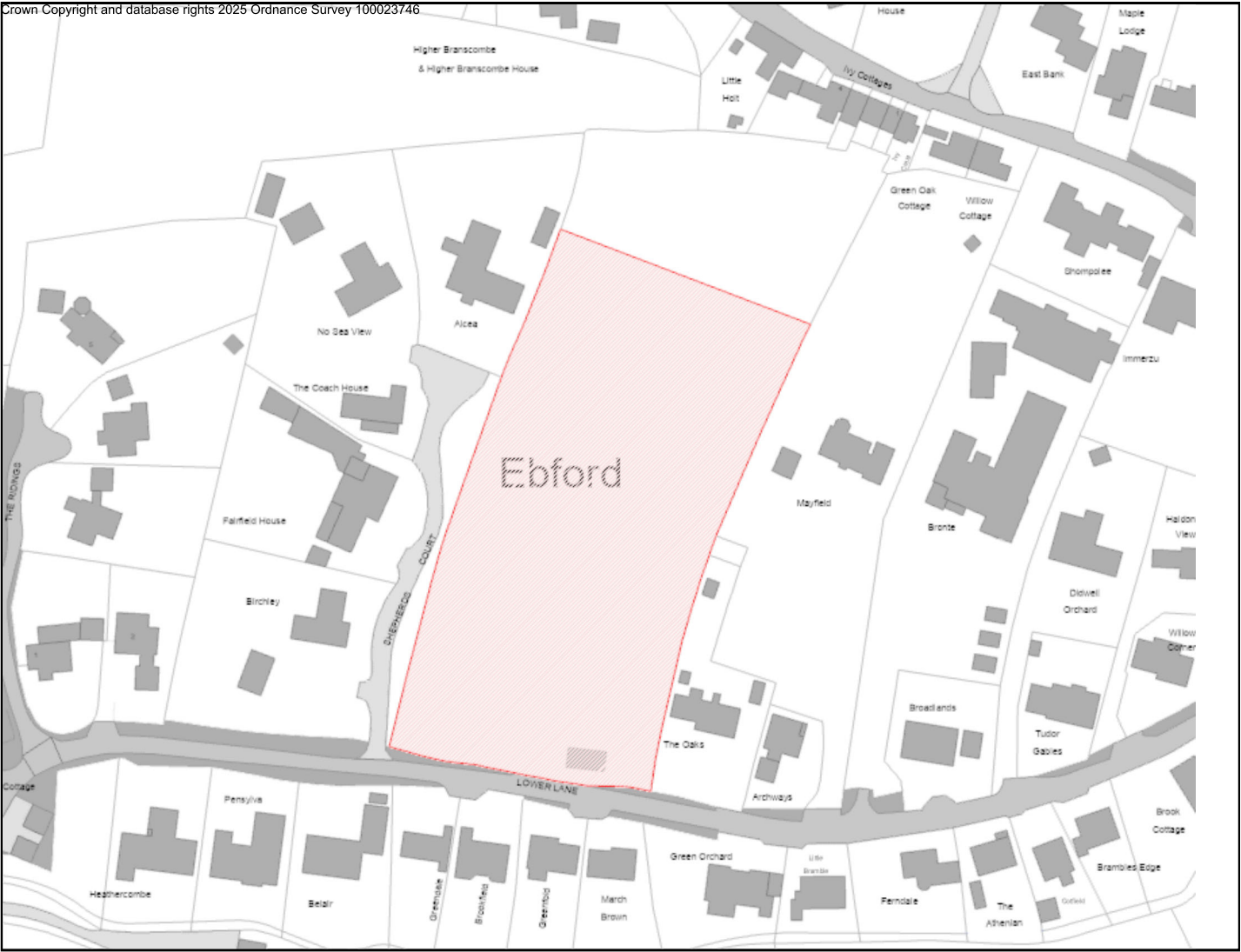
Applicant Mr Ian White (RBL Homes)

Location Land Adjoining Shepherds Court Lower Lane Ebford

Proposal Permission in principle for the erection of 5no. self-build dwellings



RECOMMENDATION: PIP Grant of Permission in Principle



		Committee Date: 21.10.2025
Clyst Valley (Clyst St George)	25/1487/PIP	Target Date: 22.08.2025
Applicant:	Mr Ian White (RBL Homes)	
Location:	Land Adjoining Shepherds Court Lower Lane	
Proposal:	Permission in principle for the erection of 5no. self-build dwellings	

RECOMMENDATION: APPROVE

EXECUTIVE SUMMARY

The application is before members as the development is a departure from the Local Plan.

The application seeks Permission in Principle (PiP) for the erection of five self-build dwellings on land adjoining Shepherds Court, Lower Lane, Ebford. The site lies outside any designated settlement boundary and is therefore considered open countryside under Strategy 7 of the East Devon Local Plan. Historically, similar applications on this site have been refused, but the Council's current inability to demonstrate a five-year housing land supply activates the "tilted balance" under paragraph 11(d) of the National Planning Policy Framework (NPPF), which favours sustainable development unless adverse impacts significantly outweigh the benefits.

The proposal conflicts with several policies in both the East Devon Local Plan and the Clyst St George Neighbourhood Plan, particularly those relating to development in the countryside, sustainable transport, and local character. Ebford is not identified for housing growth, and concerns have been raised about the site's reliance on private vehicles due to limited local services. However, a recent appeal decision for a nearby site concluded that Ebford is a sustainable location, with reasonable access to services and public transport. Officers consider the current site to be similarly sustainable.

Highway safety concerns have been raised by the Parish Council and local residents, citing narrow lanes and poor visibility. Despite this, Devon County Council Highways have not objected to the proposals. Having considered their comments in response to past applications made for housing at the application site, it was recommended that potential impacts during the construction phase be managed through a Construction Management Plan at the Technical Details Consent (TDC) stage.

The site is also subject to ecological sensitivities, including proximity to protected habitats. A Habitat Regulations Assessment was undertaken, and mitigation has been secured via a signed Section 111 agreement and financial contribution.

The proposed development would alter the semi-rural character of Ebford, but officers believe the density and layout could reflect nearby developments and be designed to respect local distinctiveness. The application also contributes modestly to the district's self-build housing supply, which, although currently met, still adds value under the planning balance.

In conclusion, while the proposal does conflict with some local and neighbourhood plan policies, the lack of a five-year housing land supply and the modest benefits of self-build housing weigh in favour of approval. The application is considered acceptable under the tilted balance of the NPPF and is recommended for approval.

CONSULTATIONS

Local Consultations

Clerk To Clyst St George Parish Council
Planning Objection.

25/1487/PIP Land adjoining Shepards Court, Lower Lane Ebford.

The Parish Council Objects on the grounds that the site does not have a "safe and suitable access route" contrary to our N.P. policy CSG1 v. Lower Lane close to it's junction with Old Ebford Lane narrows in width, single vehicles at a time, with a blind turn onto the junction with Old Ebford Lane. No pavement either, which puts pedestrians at risk. It is also a designated and well used cycle route from the Exe Trail to Woodbury . Alongside this narrow area is Ebford Cottage a Grade 2 listed building and additional traffic would affect it contrary to GSG 8 protecting our built heritage. The increase in traffic from an additional 5 large houses (based on the size of the site) $5 \times 2.5 \times 2 = 25$ minimum on top of the existing traffic. The Parish Council also know that Ebford is unsustainable without the use of the car. Public transport, Bus route 57 runs 18 hours a day from Exeter to Exmouth and is good if you work in Topsham, the R.D. & E. Hosp. and central Exeter or Exmouth , however whole swathes of Exeter business parks are not served by public transport from Ebford. The nearest supermarket is the Co-op in Topsham, as Dart's Farm Shop would not satisfy the consumer for all their weekly needs. Walking to Topsham would take in excess of 30 minutes and could take longer or had a load of shopping to carry. The nearest Doctors surgery is at Holman Way Topsham, again a 30 mins walk unless you felt unwell! a further 10 mins walk to collect a prescription. Walking to Clyst St. George to the primary / pre-school is not a realistic option as parents would not want to risk walking children along the narrow pavement, less than a meter wide in places, alongside a busy A376 with HGVs Vans buses and cars inches away! The final part of the walk to school would include crossing the B3179 road to

Woodbury a busy commuter route into Exeter. Similarly, an evening stroll to the Pub the St. George & Dragon would be hampered by the need to cross the busy roads, as when the roads are less busy the speed of traffic rises.

Technical Consultations

EDDC Trees

In principle I do not object to the proposal. However there appears to be a number of trees constraints all of which are located on the boundaries of the site which would need to be considered during the design process. Therefore any future application would need to be based on sound arb principles and therefore a full BS5837 survey including tree constraints plan and arboricultural impact assessment would be required. A strong landscaping scheme including large canopy sized trees and the reestablishment of individual hedgerow trees is considered appropriate.

Housing Strategy/Enabling Officer - Cassandra Pressling

The adopted Local Plan, Strategy 34 states the threshold as to when affordable housing is required.

In rural areas, residential developments of 1 - 5 dwellings are not required to make a financial contribution.

I therefore have no comments to make on this application and will not be seeking any affordable housing obligations.

Other Representations

29 Objection comments have been received. The following matters have been raised:

1. Planning History and Procedural Concerns

- The site has been subject to multiple previous applications, all refused.
- Objectors argue the current Permission in Principle (PiP) application is a repackaging of previously rejected proposals.
- Concerns raised about the misuse of PiP to bypass scrutiny and planning policy.

2. Conflict with Planning Policy

- The proposal conflicts with:
 - **East Devon Local Plan** (Strategies 5B, 7, 27)
 - **Clyst St George Neighbourhood Plan** (Policies CSG1, CSG8, CSG9)
 - **National Planning Policy Framework (NPPF)**
- Ebford is not a designated settlement for housing development.

3. Environmental and Ecological Harm

- Loss of greenfield land and biodiversity.
- Threats to:
 - Toad migration routes
 - Hedgerows and mature trees

- Bat populations
- Meadow flora and fauna
- No evidence of Biodiversity Net Gain (BNG) as required by the Environment Act 2021.

4. Flood Risk and Drainage Issues

- Site is prone to flooding and has poor permeability.
- Increased surface water runoff could worsen flooding in Lower Lane and surrounding areas.
- Existing drainage and sewage infrastructure is inadequate and has caused past failures.

5. Infrastructure and Access Deficiencies

- Narrow rural lanes with no pavements or safe pedestrian access.
- Poor visibility and unsafe junctions.
- Lack of basic services (e.g., refuse collection, emergency access, utilities).

6. Traffic and Highway Safety

- Increased vehicle movements, including HGVs during construction.
- Safety risks for pedestrians, cyclists, horse riders, and elderly residents.
- Lane is part of the National Cycle Network and heavily used by non-motorised users.

7. Unsustainable Location

- No local amenities (shops, schools, healthcare).
- Heavy reliance on private vehicles.
- Poor public transport access and unsafe walking routes.

8. Impact on Local Character and Amenity

- Development would urbanise a rural hamlet.
- High-density, luxury housing is out of character with Ebford's low-density layout.
- Loss of visual and spatial harmony.

9. Noise, Light, and Air Pollution

- Increased disturbance from construction and residential use.
- Light pollution affecting wildlife and dark-sky quality.

10. Questionable Self-Build Claims

- Allegations that previous "self-build" homes were actually standard developer builds.
- Concerns about misuse of self-build designation to avoid taxes and regulations.

11. Misrepresentation and Lack of Transparency

- Inaccuracies in the planning statement (e.g., access road status).
- Omission of relevant refusal history.
- Lack of technical detail deferred to later stages.

12. Community Fatigue and Erosion of Trust

- Repeated applications seen as a tactic to wear down opposition.
- Residents feel burdened by having to continually object.
- Perception that the proposal is driven by profit, not community need.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 34 (District Wide Affordable Housing Provision Targets)

TC7 (Adequacy of Road Network and Site Access)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Clyst St George Parish Neighbourhood Plan 2015 – 2031

CSG1 (Sustainable Development)

CSG3 (Flood Risk)

CSG5 (Development Outside the Settlement Areas)

CSG6 (Protection of Trees and Woodlands)

CSG9 (Design Matters)

OFFICER REPORT

Procedure

The permission in principle (PiP) process was introduced through the Town and County Planning (Permission in Principle) Order 2017. It provides an alternative means of obtaining planning permission for housing-led development.

Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.

In this case, the application site is agricultural and therefore not considered brownfield land and as such, not listed on the Local Planning Authority's Register. Therefore, the applicant must undergo the two-stage process. The first being the permission in principle stage and the second technical details consent (TDC) stage.

At PIP stage the relevant considerations are limited to assessment of the **location, land use and amount of development proposed** with other matters reserved for consideration at TDC stage.

Material Planning Considerations

The officer's delegated reports for 23/0359/FUL, 23/0348/FUL and 23/0358/FUL which collectively sought planning approval for the construction of 13 dwellings and an access track at the application site were refused on principle, lack of information with regards to surface water, absence of a Section 106 agreement to secure affordable housing and impacts on character of the area and amenity of adjacent properties.

Since determination of these applications the Council is now unable to demonstrate a five year land supply and therefore the provisions of paragraph 11d) of the National Planning Policy apply.

Furthermore, a recent appeal decision for an appeal lodged against the Council's refusal of planning permission at Land at Branscombe Farm, Ebford Lane for the construction of two dwellings was dismissed. The application was considered in context of paragraph 11d) and whilst dismissed the inspector found that the appeal site was in a sustainable location (See paragraphs 7 – 12 of APP/U1105/W/24/3347347 EDDC Ref 24/0110/FUL, included later in this report).

These are a material change in circumstances since determination of 23/0359/FUL, 23/0348/FUL and 23/0358/FUL.

Principle of Development

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. Whilst the focus is on the West End and the seven main towns, development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan defines the countryside as all areas within the plan area that are outside of site-specific allocations or built-up area boundaries. On this basis, the site lies in open countryside and therefore the provisions of Strategy 7 apply which stipulate that '*Development shall only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development*'.

The Clyst St George Neighbourhood Plan was 'made' 10.01.2019 and therefore forms part of the Development Plan for East Devon. The proposals in this case concern residential development in the countryside, outside of any settlement boundary thereby conflicting with Strategy 7 of the local plan. Furthermore, the construction of five dwellings would not contribute to the sustainability of Ebford or reuse previously development land as required by NP Policy CSG1 (Sustainable Development).

Location and Accessibility

Strategy 5b (Sustainable Transport) of the Local Plan requires development to contribute to the objectives of promoting and securing sustainable modes of travel and transport, be at locations where it will encourage and allow for efficient, safe and accessible means of transport. Policy TC2 requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The officer's delegated reports for 23/0359/FUL and 23/0358/FUL, which collectively sought planning approval for 13 dwellings on the same site, were refused by officers partly on grounds that the village lacked services and facilities to support residential growth and thereby in conflict with policies 5b and TC2 of the Local Plan. However, in determining appeal APP/U1105/W/24/3347347 (24/0110/FUL) the inspector concluded the following:

7. With regards to local facilities and services, there are limited facilities within Ebford. The appellant has drawn my attention to local facilities to the north of the appeal site, in particular Darts Farm Shop, along with a number of local employment uses, a primary school and a pub. Access to these would be through the village and then along the A376.

8. The route through the village has no footpaths or streetlights. That said, the appeal site is not in an isolated location and the route through the village would involve passing existing dwellings and given this, motorists would be conscious of being within a village and therefore more prepared to encounter pedestrians. Such a route is not unusual within rural settlements, and it therefore does not automatically mean that it would deter future occupiers from walking the route to the extent that it would deter those living at the site from accessing those facilities by means other than a private vehicle.

9. In contrast to Ebford Lane, the A376 is a busy, heavily trafficked route. It is however served by footpaths on both sides and is lit. Whilst the route is not necessarily flat or straight and the footpaths are relatively narrow at points, I do not consider it to be of such a constraint as to deter future residents from using them to access nearby services. Neither do I consider the identified facilities to be of such a distance away as to act as a deterrent. There is also a pelican crossing to the south, which provides a safe crossing point. To the south, within a relatively short walk of the appeal site are bus stops, which from the information provided, offers a service between Exeter and Exmouth.

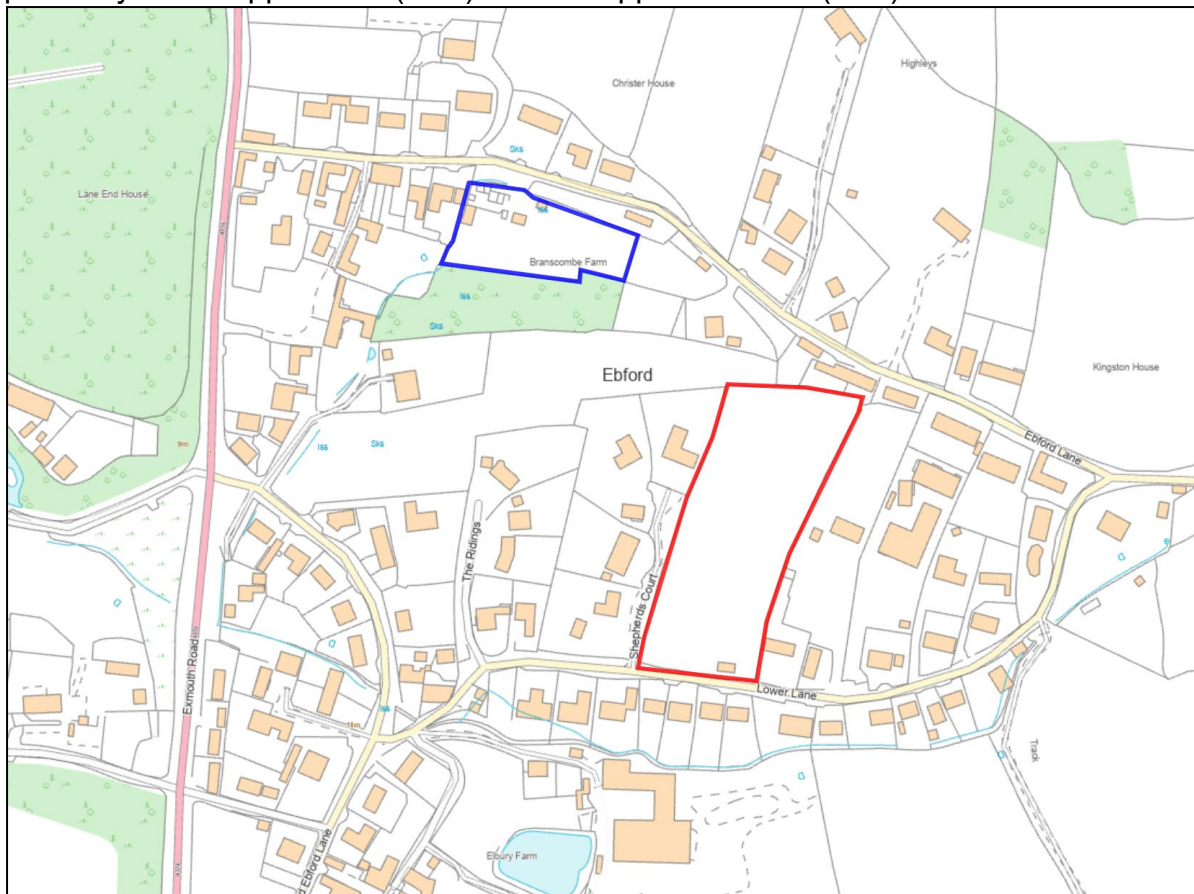
10. Whilst I find the appeal site to be in a location where future occupiers could at times walk or cycle to the surrounding services, due to the limited number of services locally, I find that it is likely that most trips to access employment, schools and other everyday needs, would be made by private vehicles.

11. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited, with paragraph 110 of the Framework recognising that opportunities to maximise sustainable travel choices will be different between rural and urban areas. Consequently, despite the countryside location of the appeal site, given the alternative options available, along with access to public transport, I do not find the

appeal site to be so poorly located in terms of travel patterns and choices. Moreover, whilst I find that an increase in travel by private car would be a likely inevitable consequence of the proposal, given the limited size of the development, the likely trip generation is unlikely to have a notable impact on the level of traffic using the lane or road safety.

12. For the above reasons, I therefore conclude that, despite its location, the appeal site lies within a sustainable location in relation to access to services and facilities and, in this respect, accords with policies 5B, Strategy 7 and TC2 of the EDLP and the Framework.

The appeal site is located closer to the services and facilities located in Clyst St George and Darts Farm when compared to the application site. Prospective occupants of the application dwellings would be required to walk along Lower Lane to get to the pedestrian footpaths along Exmouth Road. The image below demonstrates the proximity of the appeal site (blue) and the application site (Red) to Exmouth Road.



Despite the inspector concluding that the appeal proposals would result in the some dependency in private modes of transport by prospective occupants, the proposal for two houses was considered to comply with Strategy 5b and Policy TC2. Whilst the occupants of the current proposals would be required to walk further along the A376 to access those services and facilities to the north, the view of officers is that the relationship is not so significantly different to warrant taking an alternate view to that concluded by the inspector on such matters. As such the proposals are considered acceptable with regards to their compliance with 5b and TC2.

Impact on Character and Appearance of the Areas

The site, whilst an agricultural field, contributes to the prevailing semi-rural and low density character of the village. The form and character of Ebford, being low density residential use interspersed with agricultural fields is one fairly unique to the location. As a result, developing the site for the construction of five dwellings would inevitably erode the rural and agricultural character of the site.

However, the layout of five dwellings at the site can reflect a density and layout similar to existing development at the Ridings and Shepherds. Whilst such matters are reserved for later consideration at Technical Details Consent Stage (TDC), it is anticipated that in principle the amount of development sought (which can be considered at this stage) can deliver development that accords with policy D1 (Design and Local Distinctiveness) of the Local Plan, policy CSG9 (Design Matters) of the Clyst St George Neighbourhood Plan.

Notwithstanding this, the scale, massing, layout and design shall need to be carefully considered at TDC stage to ensure that keeping with the local character of neighbouring buildings.

Trees

In principle the tree officer does not object to the proposal. There are a number of trees constraints all of which are located on the boundaries of the site which the tree officer has requested to be considered during the design process. This shall need to be demonstrated at TDC stage. Therefore, any future application would need to be based on sound arboricultural principles and therefore a full BS5837 survey including tree constraints plan and arboricultural impact assessment would be required. A strong landscaping scheme including large canopy sized trees and the re-establishment of individual hedgerow trees is considered appropriate. No conflict is identified with Policy D2 (Trees and Development Sites) of the Local Plan.

Highways

A significant number of objections, including from the Parish Council, have raised concerns with regards to the development's impact on highway safety. The application site would be accessed off Lower Lane which limits vehicular traffic to 20mph. However, there is some sympathy with local concern as the lane is narrow at certain points, particularly just before the turning onto Ebford Lane.

The County Highway Authority have not objected to the application, in response to three planning applications submitted March of last year the following comments were received:

The development is involved with two other associated planning applications; however I have to assess each one separately.

The self-build detached houses have sufficient space for off-carriageway parking and turning. The trip generation from this development is likely to be slightly above the benchmark of permitted agricultural use, however I do not believe to such a severity that it will trigger clauses in the National Planning policy framework (NPPF).

I would recommend the provision of secure cycle storage and a Construction and Environment Management plan (CEMP) to help mitigate trip generation and general impact on the local highway network.

'Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in

advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.'

The above comments, which were in response to proposals concerning the construction of 13 dwellings, are considered applicable to the current application. Whilst concerns from third parties with regards to the safety concerns over vehicular traffic are duly acknowledged, it is the view of officers that given the County Highway

Authority's position on the former planning applications, the current proposals cannot be opposed on highway safety grounds.

The County Highway Authority did suggest conditions by way of a Construction Management Plan. The Local Planning Authority cannot attach conditions to a Permission in Principle application but can either entertain such details at TDC stage or secure the submission of the CMP as a condition at that stage which shall seek to ensure the type and frequency of construction traffic during the construction phase is appropriately managed.

The application is therefore considered to be in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan. The development shall need to provide an appropriate level of parking at TDC stage and demonstrate it complies with Policy CSG17 of the Neighbourhood Plan and TC9 (Parking Provision in New Development) of the Local Plan.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and the Exe Estuary their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

Whilst mitigation is normally secured through the CIL process and financial contributions (Non-infrastructure), the permission in principle legislation does not permit planning obligations to be secured. This is further explained within the PPG at paragraph 005 which states:

'Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017. This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in

place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.'

Whilst planning obligations cannot be secured at this stage, financial contributions can be secured through S.111 agreements to facilitate the discharge of its planning function by securing up-front payments of money to help mitigate the impact of development on protected sites to enable the grant of planning permission especially when planning obligations cannot be secured at the permission in principle stage.

The applicant has provided a signed S.111 form and payment of the financial contribution has been made.

Conclusion

On 12 December 2024, the NPPF was updated, reverting to the more usual position whereby the Council is required to demonstrate a 5-year housing land supply. Changes to how this is to be calculated mean that the Council can now only demonstrate 2.97 years of supply. As such, and as explained in more detail below, the tilted balance is now engaged. This is a material change in circumstances compared to when applications 23/0359/FUL and 23/0358/FUL were determined when the principle of residential development of the site was last considered by the LPA.

The National Planning Policy Framework (NPPF) published in December 2024 is a material consideration in the determination of planning applications. The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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 above paragraph makes clear that where the policies of the Local Plan are out of date, which is the case here, in the absence of a 5 year housing land supply, then the so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

Given the above, it is conceded that the council have a shortfall in the supply of required housing and that the tilted balance within the presumption of favourable development is engaged.

The application also indicates the units would be constructed as self-build/custom which would make a modest contribution to the Council's obligations to provide enough suitable serviced plots of land to meet the demand for SCB housing in their area. The Council's latest Self-build Demand and Supply Monitoring Report (published February 2025) concludes that despite a decrease in the number of plots being granted permission, the supply during the most recent base period has met demand, including residual demand, with a surplus of 3 plots.

The proposals would make a modest contribution to the Council's stock of serviceable plots, this draws modest weight in the planning balance given the LPA has already met the demand over the last year.

Having given due regard to the aspects of the development that can be considered at this stage, it is the view of officers that given the limited harm that has been identified and given the views of the inspector in the Branscombe Farm appeal, when viewing the proposals in context of the 'tilted balance' the application is considered acceptable and therefore recommended for approval.

RECOMMENDATION

1. Adopt the Appropriate Assessment.
2. Permission in principle to be granted.

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.

The applicant is advised that an application for approval of Technical Details Consent must be made and determined not later than the expiration of three years beginning with the date of this permission.

Community Infrastructure Levy (CIL) - Where CIL liable development is approved in permission in principle, the liability to pay CIL arises at the time of commencement of development following the grant of Technical Details Consent.

The application is subject to a signed S111 form and associated payment towards habitat mitigation - dated 22th July 2025 and received by the Council on the 15th July 2025.

Plans relating to this application:

Location Plan	17.07.25
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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.