

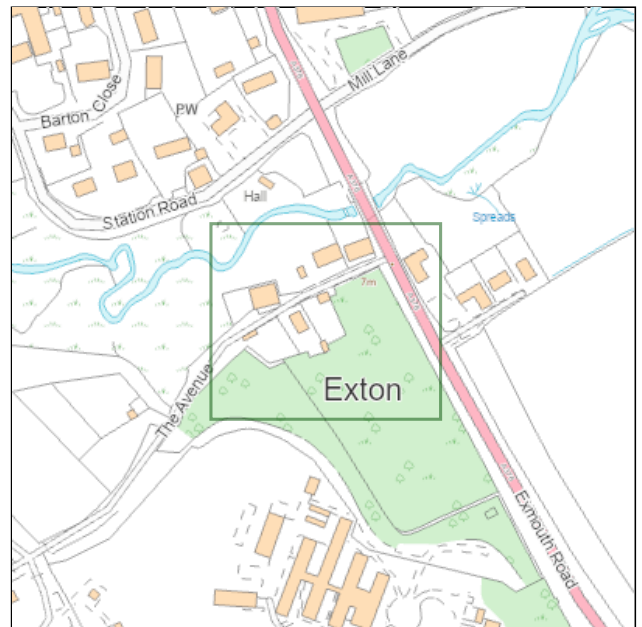
Ward Woodbury And Lymptstone

Reference 25/1942/PIP

Applicant Mr John Guyan

Location Land South Of Orchard Cottage Exmouth Road
Exton

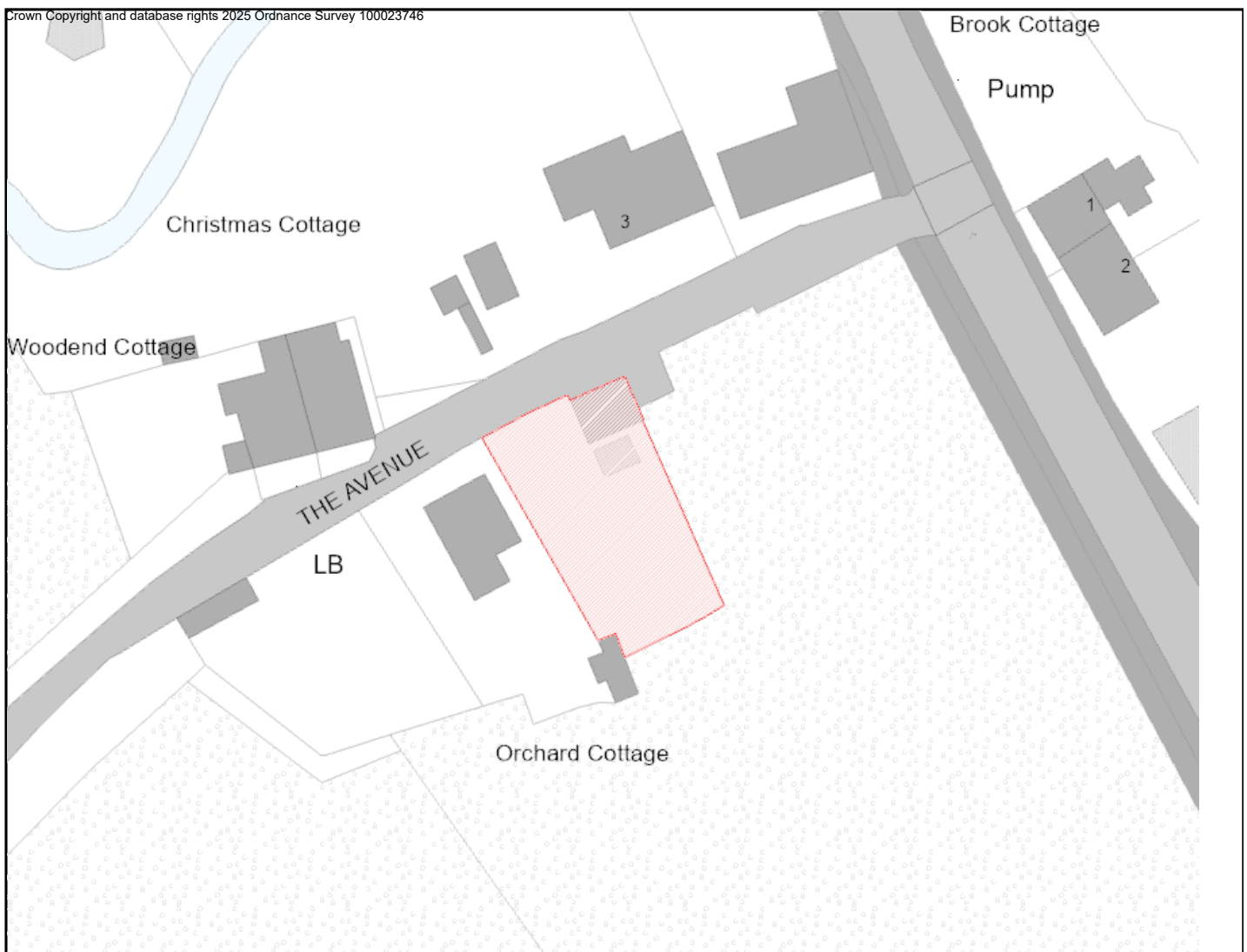
Proposal Permission in principle for demolition of garage
and construction of 1no. dwelling.



RECOMMENDATION:

- 1. ADOPT THE APPROPRIATE ASSESSMENT**
- 2. APPROVE PERMISSION IN PRINCIPLE**

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		Committee Date: 16.12.2025
Woodbury And Lympstone (Woodbury)	25/1942/PIP	Target Date: 23.10.2025
Applicant:	Mr John Guyan	
Location:	Land South Of Orchard Cottage Exmouth Road	
Proposal:	Permission in principle for demolition of garage and construction of 1no. dwelling.	

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EXECUTIVE SUMMARY

This application is before members as the recommendation is contrary to the views of a Local Ward Member and the proposals are a departure from the East Devon Local Plan.

This application seeks Permission in Principle (PiP) for the demolition of an existing garage and the construction of one dwelling on land south of Orchard Cottage, Exton. The site lies outside any defined Built-up Area Boundary and within a designated Green Wedge, making the proposal a departure from the East Devon Local Plan. The recommendation is before members because it conflicts with local plan policies and the views of a ward member.

The site is a small parcel of previously developed land adjacent to Grade II listed cottages and within close proximity to sustainable transport links, including bus routes, a train station, and cycle paths. While the proposal would add to sporadic development in the Green Wedge, officers consider the harm to its character and the identity of Exton to be limited. Heritage concerns have been raised due to the proximity of listed buildings, but the extent of harm cannot be fully assessed until the Technical Details stage. There is potential for enhancements, such as reinstating historic boundary walls and removing the existing garage, which currently detracts from the setting.

Consultations indicate no objection from Natural England (subject to mitigation), Environmental Health, and the County Highway Authority. The Historic Environment Team advises archaeological investigation at the next stage. The

MOD has highlighted safeguarding requirements due to the site's location within an explosives safeguarding zone. Woodbury Parish Council supports the application, while a local ward member objects, citing previous refusals and Green Wedge policy.

In planning terms, the Council cannot currently demonstrate a five-year housing land supply, engaging the tilted balance under the National Planning Policy Framework (NPPF). The site offers sustainable access to services and would contribute to housing delivery and local vitality. Although there is conflict with Strategies 7 and 8 of the Local Plan, officers conclude that the adverse impacts do not significantly and demonstrably outweigh the benefits. Therefore, the recommendation is to adopt the Appropriate Assessment and approve Permission in Principle.

CONSULTATIONS

DCC Historic Environment Officer

The Historic Environment Team has no in principle objection to the development of the area under consideration. However, the proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with the earlier settlement here.

I would therefore advise, should consent be granted for this permission in principle that, any subsequent application for grant of technical details consent should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the potential loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted with any subsequent application for grant of technical details consent the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95

Woodbury And Lypstone - Cllr Geoff Jung

25/1942/PIP

I have viewed the documents for the planning application 25/1942/PIP for the proposed permission in principle for demolition of garage and construction a dwelling on land South of Orchard Cottage Exmouth Road Exton

I note that there has been a number of refusals for various planning applications in the past: 13/1749/FUL refusal. 14/1504/FUL refusal. 14/1504/FUL refusal 17/2109/FUL again a refusal.

The general reason for refusal was the development was not in the "built-up area of Exton" and therefore considered in the open countryside. I note that the current local plan and the emerging local plan also puts this application in the protected zone of the Green Wedge. Therefore, as the proposal is in the open countryside and the heavily protected Green Wedge, I cannot support this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

EDDC Trees

Based on Google streetview and aerial images available, the site does not appear to contain any significant trees which are likely to be a constraint to development. Therefore in principle I would not object to the proposal.

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Conservation

It is acknowledged three previous planning applications 13/1749/FUL, 14/1504/FUL and 15/0239/FUL have been refused. In addition to a subsequent dismissed appeal, through application 17/2109/FUL. The theme for refusal being the development was not in the "built-up area of Exton" and therefore considered in the open countryside. In context of the setting of the identified heritage assets within the immediate surround, any development on the identified development site, would on account of its proximity to the surrounding heritage asset, have the potential to fail to preserve the setting of the assets and in turn result in a level of less than substantial harm to their significance.

In this respect and without a clear indication on orientation, mass, scale, design and materiality, of the built form the extent of harm to the heritage asset(s) and their setting, cannot be clearly identified at this stage.

In this respect conservation do not wish to offer any further heritage comment. Case Officer to assess on planning merit.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Defence Infrastructure Organisation

The applicant seeks permission in principle for the demolition of and existing garage and construction of 1no. dwelling. At this stage, details of the size and design of the building are not available. A Location Plan for the proposed development has been provided.

The application site occupies the statutory explosives safeguarding zone surrounding Commando Training Centre Royal Marines (CTCRM) Lympstone, lying approximately 45m from the boundary of that training centre.

Explosives safeguarding zone

Statutory explosives safeguarding zones are designated around military explosives storage sites, to ensure that development and land uses will be compatible with military explosives licensing requirements. Within these zones, the MOD may object to development proposals or may require that conditions are applied to any planning permission that might be granted.

There are two zones; the inner explosives safeguarding zone, also known as the Inhabited Building Distance (IBD) and outer explosives safeguarding zone, also known as the Vulnerable Building Distance (VBD). The site identified in this application falls within the VBD.

Within the VBD proposed buildings should be of 'non vulnerable' design, specifically, that they are robust and constructed so that should an explosion occur at the MOD storage facility, buildings nearby will not collapse or sustain damage which could cause critical injury to the occupants. In this context, buildings that contain large areas of glass, tall structures (in excess of 3 storeys) and buildings of light weight construction are of particular concern to the MOD.

It is acknowledged that an application for Permission in Principle does not require the submission of specific details of the structure(s) which may ultimately be erected and that such detail would be submitted at the technical details consent stage.

At any technical details consent stage, the MOD will require that structural drawings and details of construction materials for the dwelling are submitted to ascertain whether the introduction of the proposed dwelling would degrade or otherwise impact on the operation and capability of the military explosive's storage area at CTCRM Lympstone. This information will allow the MOD to complete assessments which will determine if the proposed building would withstand the effects from a potential accidental explosion at the munitions store, protecting its occupants from critical injury.

Examples of the information required may include, but not be limited to:

- o Details of the structural form (e.g. timber framed, steel framed, concrete framed, loadbearing masonry, modular);
- o External wall make-up & details (e.g. Masonry cavity wall comprising XXmm thick outer leaf (strength in N/mm², density in kg/m³) and XXmm thick inner leaf (strength in N/mm², density in kg/m³) with wall ties to normal requirements;
- o Where cladding is to be used, details of the cladding itself as well as the system that would be used to mount it on/secure it to the structure should be provided); spacings of cladding rails;
- o Where portal frames are proposed the distance between centres of the frame elements, the materials specification to be used, details of cladding, any fixing systems, and any additional bracing;
- o Floor specification (e.g. in-situ reinforced concrete, pre-cast concrete, composite, timber joist);
- o Details of roof structure including how it will be fixed to walls or other structural elements (for example timber trussed rafters at XXmm centres);
- o Details of the roof make up & covering (e.g. Concrete / Slate / Other Roof tile on battens) - Lightweight roof coverings are particularly of concern to us (e.g. plastic / synthetic slate) in that they are significantly lighter than more traditional materials;
- o Details of the window frame & glazing specification and glazed balustrade specification;
- o Details of any mezzanines, if to be used.

In summary the MOD has concerns that a building erected on this site has the capacity to be incompatible with the operation and capability of the military explosives storage area at CTCRM Lympstone To address this concern the applicant should be made aware that sufficient information, as detailed above, should be submitted as part of any technical details consent application. The MOD should be consulted at that stage to enable necessary assessments to be completed.

Parish/Town Council

Woodbury Parish Council supports this application.

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
15/0239/FUL	Demolition of existing garage and proposed new dwelling and vehicular access	Refusal	25.01.2016
17/2109/FUL	Demolition of existing garage and proposed new dwelling and access	Refusal	01.11.2017

POLICIES

East Devon Local Plan 2013 – 2031

Strategy 7 (Development in the Countryside)
Strategy 8 (Development in Green Wedges)
Policy D1 (Design and Local Distinctiveness)
Policy D2 (Landscape Requirements)
Policy D3 (Trees and Development Sites)
Policy EN5 (Wildlife Habitats and Features)
Policy EN9 (Development Affecting a Designated Heritage)
Policy TC2 (Accessibility of New Development)
Policy TC7 (Adequacy of Road Network and Site Access)
Policy TC9 (Parking Provision in New Development)

Woodbury Neighbourhood Plan

Woodbury Parish Council (as the 'Qualifying Body') have prepared and submitted a neighbourhood plan for the parish of Woodbury. At the time of publication of this report public consultation of the Regulation 16 version of the Neighbourhood Plan shall have finished (27th November). The draft policies within can therefore not be attributed any weight.

Emerging East Devon Local Plan (Reg 19)

SP1 – Sustainable Development Principles
SP2 – Settlement Hierarchy
SP3 – Development in the Countryside
H1 – Housing Mix and Density
D1 – Design and Local Distinctiveness
D2 – Landscape and Green Infrastructure
EN2 – Biodiversity and Habitats
EN6 – Heritage Assets
EN8 – Green Wedges
T1 – Sustainable Transport
T2 – Parking Standards
INF3 – Defence and Safety Zones

National Planning Policy Framework

Planning Practice Guidance

OFFICER REPORT

Procedure

The permission in principle (PiP) process was introduced through the Town and Country Planning (Permission in Principle) Order 2017. It provides an alternative means of obtaining planning permission for housing-led development. It is a two stage process, the first being the PiP stage and the second the technical details consent (TDC) stage. The PiP route can only be used for housing-led development and cannot be used for major development (i.e. proposals for 10 or more dwellings).

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 the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations are met.

At the 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.

Site Location and Description

The site comprises a mainly vacant plot of land around 0.04 hectares in area located between the southern edge of Exton and the Commando Training Centre. More specifically it is positioned on the southern side of The Avenue, an unclassified private cul de sac of mostly single vehicle width with no footways that extends west off the A376 and presently serves a loosely knit area of sporadic development comprising five residential properties and as an emergency access to and from the training camp. Four of these - Brook Cottage, Christmas Cottage, Woodend Cottage and Orchard Cottage - are listed Grade II.

Orchard Cottage is located immediately to the west of the site and itself occupies a plot of comparable area and configuration to it. A disused garage occupies the north eastern corner of the site with access to it available from The Avenue. The remainder of the road frontage boundary comprises a timber fence.

The site, which falls gently from south to north, lies within an area of countryside between the edge of Exton and the training camp that is designated as Green Wedge.

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 application site is located just south of Exton, a settlement that has not been allocated a Built-up Area Boundary in the current Local Plan or accompanying Villages Plan (Strategy 27). Accordingly, there are no policies within the adopted East Devon Local Plan that would support the construction of a single dwelling at the site and therefore the proposals are a departure from the development framework.

Accessibility of Site to nearby Services and Facilities

The site is located within close proximity of a bus route and a bus stop on the main A376 Exmouth Road to the east. The site is also relatively close to Exton train station and the Exe Estuary Cycle Trail. There is also a village hall, church and pub within walking distance from the application site, the route along Exmouth Road and Station Road is served by dedicated pavements and street lighting. Further afield, within the northernmost part of the village, there is also a service station located on Exmouth Road. As such, with regards to the provisions of Policy TC2 (Accessibility of New Development), the site is regarded as being reasonably sustainably located in regard to its access to public transport options.

In considering an appeal against the Council's refusal of planning permission for the construction of a single dwelling at the application site (APP/U1105/W/18/3196758), Inspector Powis considered the location of the site. At paragraph 16 they comment on the *'unusually good access to a range of non-car options for travel to nearby villages, larger local centres and onwards to national networks.'* Then at paragraph 18 *'whilst the development would inevitably generate some car journeys, future occupiers of the dwelling would have real opportunities to travel by non-car modes for commuting or making day-to-day trips to retail and community facilities. It would also have the potential to support services in nearby villages as well as Exton, helping to maintain the vitality of these rural communities. As a result, I do not consider the site to be remote from essential facilities'*

As with the inspector in the former appeal decision, officer consider that the proposal is in accordance with Strategy 5b (Sustainable Transport) of the Local Plan which 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. The development is also considered in accordance with 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.

Impact on the Green Wedge

The application site falls within a Green Wedge as defined by Strategy 6 (Development in Green Wedges) of the East Devon Local Plan. The main objective of this policy is to prevent sporadic development and settlement coalescence. Below is an aerial image that shows the position of the application site (red edging) within the Green Wedge (green hatching).



The Avenue and the application site are physically separate from the built form of Exton which is intersected by a watercourse that runs from the Exe Estuary towards Woodbury. It follows that construction of a single dwelling at the application site would add to the sporadic character of the cluster of properties along The Avenue.

However, given the presence of substantial vegetation which runs parallel to Exmouth Road and either side of the watercourse to the north, public views of the site are limited to those at the junction to the east. While details regarding layout, scale and design are reserved for later consideration, a single dwelling at the site is unlikely to give rise to wider landscape harm.

Additionally, officers are also mindful that the site is previously developed land and given the proximity of adjacent heritage assets, any development shall need to be carefully considered if to be found acceptable. A measured approach shall be required at Technical Details Stage to ensure the development is appropriately sited and is of a scale and form that is sympathetic to the character of the lane, heritage assets. This shall likely require the proposal to be sited at the northern end of the site accordingly the magnitude of change at the application site would naturally be limited in order to respond to these constraints.

As such, given the above, the development would add to the extent of sporadic development within the Green Wedge and therefore conflict with Strategy 6 is identified. However, when assessing the provisions of Strategy 6, the proposal is not considered to harm the identity of Exton or contribute to settlement coalescence.

Impact on the Significance of nearby Heritage Assets

The site lies immediately to the east of Orchard Cottage and opposite a pair of cottages; Woodend and Christmas Cottages (all grade II listed). The character of the site is quite vernacular with simple thatched cottages set within a narrow intimate lane.

The site was previously enclosed from the lane by a cob wall that has now collapsed. The existing garage on the site is an unattractive suburban structure with wide up-and-over door.

The application has been reviewed by the Council's Conservation Officer. In terms of the level of harm that residential development of the site would have on the significance of adjacent heritage assets the following comments are made;

'In context of the setting of the identified heritage assets within the immediate surround, any development on the identified development site, would on account of its proximity to the surrounding heritage asset, have the potential to fail to preserve the setting of the assets and in turn result in a level of less than substantial harm to their significance.'

In this respect and without a clear indication on orientation, mass, scale, design and materiality, of the built form the extent of harm to the heritage asset(s) and their setting, cannot be clearly identified at this stage.'

Given that details concerning the scale, form and layout are all reserved for later consideration it is not known at this stage the extent of less than substantial harm that would be caused. In terms of the balancing act required by paragraph 215 of the National Planning Practice Guidance and Policy EN9 (Development Affecting a Designated Heritage Asset) the less than substantial harm would need to be balanced against the public benefits.

Some minor and short term public benefits shall be generated during to construction phase for local trades. Additionally, given that the proposals would involve removal of the existing garage, which negatively impacts the setting of Orchard Cottage, some enhancement to its setting is achievable. There is also scope for the proposals to reinstate the former stone boundary wall and provide a scheme that provides further enhancements to setting and thereby significance of Orchard Cottage, Woodend and Christmas Cottages. This would also be considered a public benefit.

Furthermore, the proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard

Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with the earlier settlement here. As such, permission is to be granted then any TDC application shall need to be supported by a Written Scheme of Investigative works.

Overall, officers are satisfied that whilst residential development may result in a degree of less than substantial harm, the true extent of this is not possible to quantify at this stage. Additionally, some public benefits are inevitable and further enhancements are a real possibility to achieve at Technical Details Stage. Accordingly, no conflict is identified with Policy EN9 or paragraph 215. If permission is to be granted these policies shall be revisited at Technical Details Stage.

Impact on Highway Safety

The application site has sufficient space to provide ample parking and turning to ensure any private vehicles can exit onto The Avenue in a forward gear. The lane serves five properties and is narrow with limited opportunities for passing. However, the site itself is in close proximity to the junction and therefore prospective occupants would not have to travel far when existing or returning via car.

Exmouth Road (A376) is a busy thoroughfare and this was evident during an officer site visit where a constant stream of traffic was observed in both directions. Notwithstanding this, traffic approaching Exton from the south noticeably slows when approaching the village, there are 30mph signs approximately 60 metres from where the Avenue meets Exmouth Road. There is a good level of visibility for traffic exiting the Avenue onto the A376 in both directions to observe oncoming traffic, cyclists and pedestrians. Whilst there is mature vegetation either side of the junction, this was observed to be well maintained and not obstructing line of sight for existing traffic or use of the cycle path.

The application has not prompted an objection from the County Highway Authority who on previous applications concerning residential development of the site have stated that the proposals fall under 'standing advice'. Furthermore, this was not an issue raised by the case officer or the inspector in determining 17/2109/FUL.

The lane is also owned by the Ministry of Defence (MOD) who use the lane which is a designated emergency route to and from the nearby camp. The lane is required to always be free of any obstruction. As such, a Construction Management Plan shall be required at TDC to demonstrate this.

Overall, no objections are raised on highway safety grounds, the application is considered to be in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon 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.

Matters that shall be considered at Technical Details Stage

The following matters shall be considered at Technical Details Stage either through the submission of information at that stage or through applying conditions.

- Design, scale form and layout of the dwelling including outdoor amenity areas and parking.

- Ecological Impact – The application shall be required to submit a protected species report and a Biodiversity Net Gain Metric.
- Surface Water Attenuation details.
- Foul Drainage details.
- Landscaping.
- Heritage impact informed by a heritage appraisal.
- The application site occupies the statutory explosives safeguarding zone surrounding Commando Training Centre Royal Marines (CTCRM) Lympstone, lying approximately 45m from the boundary of that training centre. Construction details shall be considered by the MOD at TDC.

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 3.5 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 the former planning application and appeal was considered by the planning inspectorate.

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.*

The 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.

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.

Officers consider the application site to be well served by a range of sustainable forms of travel modes to access services, facilities and employment. The construction of a dwelling shall provide short term economic benefits and, once occupied, shall support the vitality of Exton and other nearby settlements. Furthermore the NPPF supports redevelopment of Previously Developed Land to meet the need for homes at paragraph 124.

Conversely, harm has been identified to the Green Wedge. The proposals would add to the sporadic character of the Avenue which is physically separate to the built form of Exton (and Lympstone) and this is contrary to the first objective of Strategy 8. However, for the reasons already given within the report, the level of harm to the Green Wedge and individual identity of Exton is deemed low.

When considering the benefits of the proposals in context of the 'tilted balance' and the wording of paragraph 11 d), ii), the adverse harm to the Green Wedge would not **significantly and demonstrably** outweigh the benefits. Accordingly, despite the identified conflict with Strategy 7 and 8 of the adopted Local Plan, it is the view of officers that permission in principle should be granted.

RECOMMENDATION

- 1. ADOPT THE APPROPRIATE ASSESSMENT.**
- 2. APPROVE PERMISSION IN PRINCIPLE.**

Plans relating to this application:

Location Plan	18.09.25
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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.