

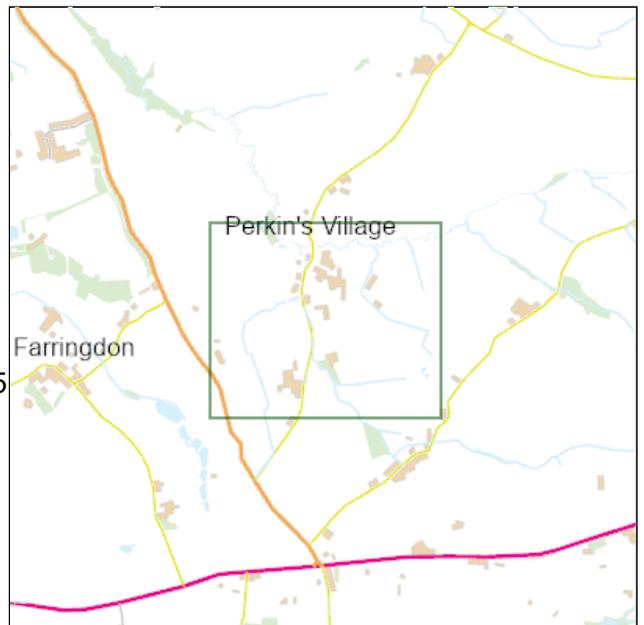
Ward West Hill And Aylesbeare

Reference 25/0368/MFUL

Applicant Mr Sam Slade

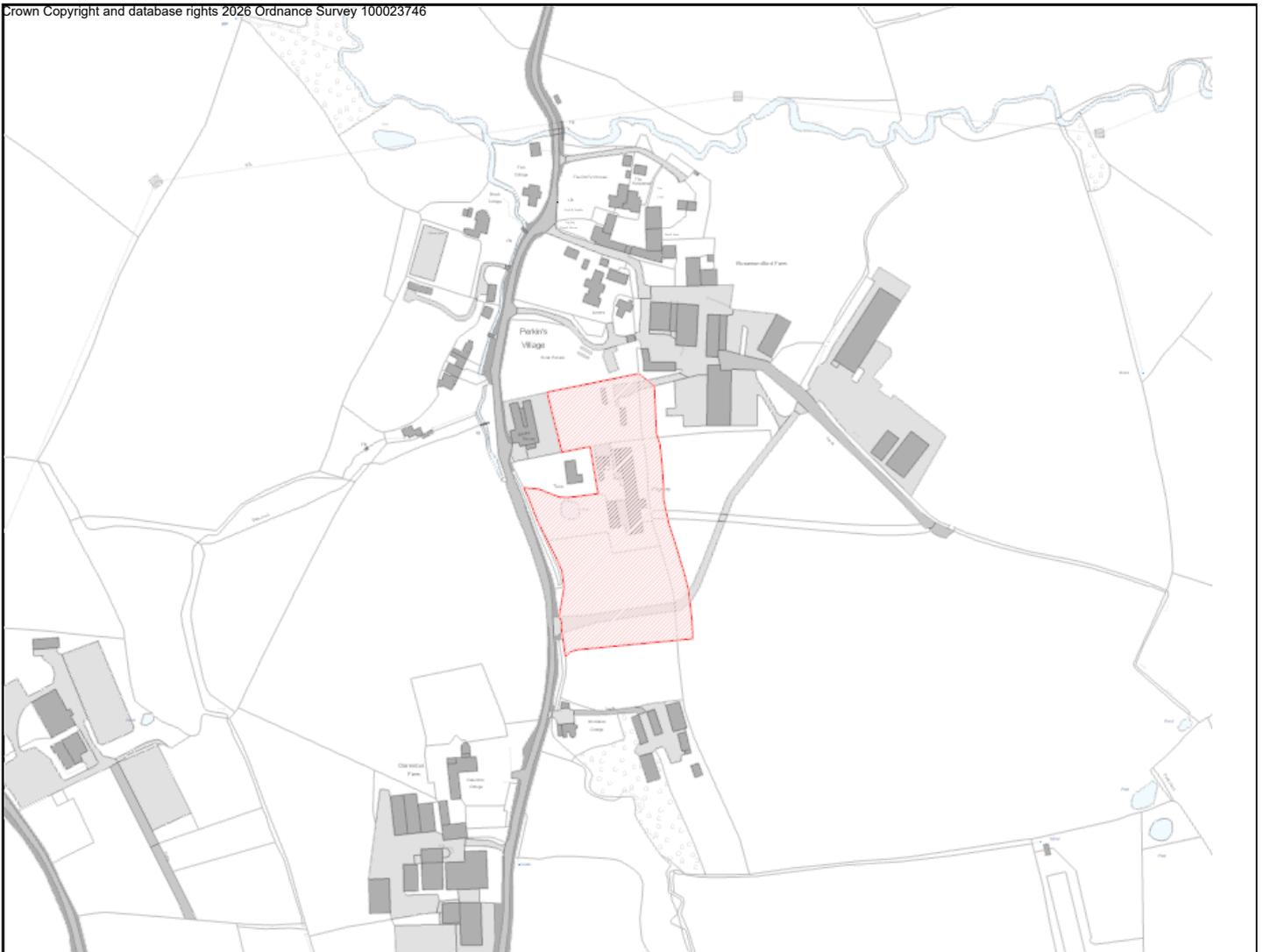
Location Rosamondford Farm Perkins Village Devon EX5 2JG

Proposal Construction of four dwellings, formation of new access track and associated landscaping



RECOMMENDATION: Refusal

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		Committee Date: 24.02.2026
West Hill And Aylesbeare (Aylesbeare)	25/0368/MFUL	Target Date: 25.06.2025
Applicant:	Mr Sam Slade	
Location:	Rosamondford Farm Perkins Village	
Proposal:	Construction of four dwellings, formation of new access track and associated landscaping	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application must be considered by the Planning Committee because the officer recommendation is in conflict with comments received from the Parish Council.

The application seeks approval for four detached dwellings using the previous Class Q approval as a fallback position. The relevant case law clarifies that the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented. Given that the existing prior approval expires on 13th February 2026 it is not considered that the fall back is a realistic prospect. It is not clear that the prior approval scheme previously approved would comply with the requirements of the General Permitted Development) (England) Order 2015 as amended on 21/02/2024 which requires dwellings to comply with the Nationally Described Minimum Space Standards in terms of dwelling area and minimum headroom. As such it is not considered that the fall back position could be relied upon.

Irrespective of the fall back position however, the proposal gives rise to a number of concerns regarding wider negative impacts. The proposed application site is three and a half times larger than that of the prior approval red line site boundary, and in the absence of any public enhancements or benefits of the scheme over the fall back position, there is no fall back position for this extent of development on a plot of this size. There is therefore no overriding material consideration upon which to base any departure from local plan policy.

In comparison to the previous grant of prior approval scheme, the proposal would lead to harm to the character and appearance of the area through the suburban character of the proposed development, and large expanses of glazing in contrast to the low form and agricultural nature of the existing buildings.

In terms of the presumption in favour of sustainable development, the moderate benefit of adding four additional dwellings to the housing supply and the benefits of the proposal to the local economy attract moderate weight in favour of the proposal. In the absence of a fall back position the proposal would not be in a suitable location having regard to the development plan policies aimed at ensuring the accessibility and sustainability of new residential development. The proposal would also be in conflict with polices that require development to respect the key characteristics of the area. As such the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.

Given the above, the proposal would be contrary to policies contained within the Local Plan and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Aylesbeare Parish Council supports this application.

Technical Consultations

Exeter & Devon Airport - Airfield Operations+Safeguarding

No safeguarding objections

County Highway Authority

No objection subject to conditions requiring a CEMP and secure cycle storage

Contaminated Land Officer

No objection

DCC Flood Risk Management Team

24.04.2025 – Objection

23.07.2025 – Objection

12.02.2026 – No objection subject to condition

EDDC District Ecologist

20.06.2025 - Objection

03.09.2025 – Objection

20.11.2025 – Objection

Natural England

No objection

Environmental Health

No objection subject to a condition upon site working hours

EDDC Trees

No objection subject to a condition requiring a LEMP to secure ingoing management of hedgerows and a further condition in respect of tree protection.

Other Representations

No third party representations have been received.

PLANNING HISTORY

- | | |
|--------------------|--|
| 22/2796/PDQ | Conversion of agricultural barn to residential (permitted development rights Q class). Approval 13.02.2023 |
| 22/1471/FUL | Retrospective application for enlarged field gate. Approval 15.11.2022 |
| 23/0430/FUL | New main entrance and access track for Rosamondford Farm. Approval 13.06.2023 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) 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

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) Adopted

Aylesbeare Neighbourhood Plan (In Preparation)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

Policy TR04 (Parking standards) Draft

Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site is within the hamlet of Perkins Village, about 8 miles east of Exeter and 1.6 miles from the village of Aylesbeare. The application site sits on the eastern side of an unclassified lane which runs north to south. Rosamunde Farm lies some distance north of the site.

The site comprises a number of former agricultural buildings which are accessed via a curved track from the unclassified road. The site is surrounded by arable fields and is bordered by a hedgerow to the north and a native devon hedge bank containing a number of significant trees along the eastern site boundary.

The access road to the north of the site is within flood zone 3, however the site itself is within flood zone 1. No formal landscape designations apply to the site. Perkins Village does not have a Built up Area Boundary.

Proposed Development

The site benefits from consent for the conversion of the existing agricultural barn into 5 single storey dwellings, with the consent due to expire on 13.02.2026.

Approval is sought for the replacement of the existing farm building and its replacement with four detached dwellings.

The dwellings within the approved Class Q scheme would have the following areas: Unit 1 - 2 bed, 56 square metres , Unit 2 - 2 bed, 95 square metres, Unit 3 - 3 bed, 91 square metres, Unit 4 - 2 bed, 93 square metres and Unit 5 - 2 bed, 60 square metres, giving a total built area of 395 square metres.

The submitted scheme looks to replace the barn proposed for conversion with four detached single storey dwellings. Plots 1, 2 and 4 are three bedroomed dwellings with an area of 133 square metres, and Plot 3 is a 4-bedroom dwelling with an area of 133 square metres.

The proposed dwellings are relatively long and narrow with duo pitched roofs, eaves heights of 2.6 metres and ridge heights of approximately 5.7 metres.

Proposed roofs are in slate, with velux rooflights and areas of solar panels. Windows and doors are proposed in an anthracite colour, the material of which is not stated. All of the dwellings have significant glazing to the gable ends, extending to the apex. The elevations comprise a mixture of vertical timber boarding to plots 1, 2 and 3, and plot 4 is indicated as being finished in white render.

The proposed dwellings would be accessed off a new access and driveway to the south approved under applications 22/1471/FUL and 23/0430/FUL. Plots 2, 3 and 4 are laid out in a loose courtyard arrangement at 45 degrees to the orientation of the existing barn. Plot 1 lies parallel to plot 2 further south on the site. The proposed layout would allow each dwelling to have a private rear garden, with hard standing and two car parking spaces provided to the front of each dwelling.

Analysis

The principal issues for consideration are the principle of development, the impact of the proposal on the character and appearance of the countryside and whether the site is in a suitable location for new housing.

Principle of Development

In planning terms, the site is in the countryside, outside of a Built-up Area Boundary (BuAB) as defined by the East Devon Local Plan. Development is only permitted under the provisions of Strategy 7 'Development in the Countryside' where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity, and environmental qualities within which it is located. There is no Local Plan policy which would permit a new build open market dwelling outside of the BuaB.

However, the fallback position in light of the prior approval for the conversion of the existing barn into five dwellings must be considered. The relevant case law, *Mansell v Tonbridge and Malling BC*, concluded that a fall-back position could be considered whereby permitted development rights such as those under Class Q of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) could be considered as a material consideration.

However, the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented.

The LPA contend that there is not a realistic prospect of the Class Q permission being implemented. The current Class Q approval was granted on 14.02.2023. The conditions of the approval required that the scheme should be completed before the expiration of three years from the date of the grant of approval. The approval also conditioned that the development must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of The Conservation of Habitats and Species Regulations 2017. No regulation 77 application has been made to the Local Authority and the application would require consultation with Natural England for 21 days.

Since the scheme was approved, the site has become increasingly overgrown. The amount of vegetation on site made an inspection of some areas of the exterior of the existing buildings quite difficult. The buildings have been exposed to the elements for a further three years since the original prior approval application was submitted and from a limited visual inspection appear to be in a relatively dilapidated condition with areas of cladding missing. At the northern gable end of the building the roof covering is not intact therefore the roof structure will have suffered from water ingress. Likewise, the southern gable to the taller section of roof is also exposed as a result of the cladding having fallen away. The western end of the structure is also subject to significant ivy growth up the elevations of the building and above eaves level, preventing a visual inspection of the building and preventing gutters from functioning. Officers have not been presented with any evidence confirming that in the event that planning permission were to be refused, the applicant could implement the planning permission granted by Class Q to convert the barn into five dwellings.

At the time of writing, the existing approval allows a further 3 weeks for the completion of the development, which is not considered a realistic prospect. Since the Class Q scheme was approved, The Town and Country Planning (General Permitted Development) (England) Order 2015 was amended on 21/05/2024 and now requires schemes for change of use to comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The approved scheme has two dwellings which fall below this standard.

Unit 1 of the approved scheme is a 2 bed four person dwelling with an area of 56 square metres, and Unit 5 of the approved scheme is a 2 bed four person dwelling with an area of 60 square metres. The nationally described minimum space standard for a single storey 2 bed four-person dwelling is 70 square metres.

The nationally described space standard also requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area of any dwelling. The building has very low eaves heights and it is not clear that this standard would be satisfied.

In this instance therefore it is not clear that there would be a realistic prospect of the prior approval scheme being implemented.

Even though the LPA considers there is not a realistic prospect of implementation of the Class Q scheme, an assessment has been made in respect of whether the alternative new-build proposal offers a comprehensive package of enhancements over and above the fallback position, i.e. betterment. However, if there are no identified enhancements or the combined enhancements are considered to not outweigh such conflict with the Development Plan, the development should be refused.

Therefore, an assessment will follow as to whether the proposal would provide for a better designed development with environmental and ecological enhancements in comparison to the approved prior approval scheme.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 3.5 years.

As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

Design impact on character of site including landscape impact

The existing building is a former piggery and is a single storey timber framed structure measuring 57m by 8m, with mainly rendered blockwork walls under a pitched corrugated fibre cement roof. The approved Class Q scheme indicates windows being inserted into existing openings and several entrance doors being introduced to the elevations. Being single storey the building has a very low impact upon the landscape, with eaves heights varying from 1.9 - 2.1 metres, with a taller central section at 2.6 metres, and with a ridge height that varies from 3.5 metres for most of the length of the building to 4.0 metres at the taller central section.

The building runs parallel to the road and is set back approximately 60 metres east of the unclassified road that runs through Perkin's Village. The fields slope up from the road to the agricultural buildings, and the recessive colours of the farm buildings help the existing buildings to blend into the rural environment. The buildings are also seen against the backdrop of existing mature trees along the eastern boundary of the site.

The site falls within Landscape Character Type (LCT) 3B: Lower Rolling Farmed and Settled Valley Slopes as defined by the East Devon Landscape Character Assessment 2019. The area is characterised by a gently rolling landform, of predominantly pastoral farmland with many hedgerow trees. There are various ages and styles of buildings with the predominant building materials including stone, cob,

whitewash/ render, slate, thatch and tile. Larger agricultural buildings are noted as being prominent in the landscape but are considered part of a working farmed landscape.

The landscape guidelines for the LCT states that new development should be sensitive to existing road patterns and settlement form. The existing development within the hamlet is predominantly either parallel to the road or in a traditional courtyard arrangement as seen at Rosamunde Farm to the north, and there are a number of existing long linear buildings, both agricultural buildings and domestic dwellings, which includes the application building.

The proposal features four detached dwellings arranged at 45 degrees to the road, with plots 2, 3 and 4 forming a loose courtyard and plot 1 sitting parallel to plot 2. The plots are accessed off a shared drive with plots 1 and 2 having a 5.9 metre wide driveway running the length of the house, and plots 3 and 4 having a shared courtyard with dimensions of approximately 18 metres by 24 metres which includes parking for both dwellings.

The proposed scheme introduces four very contemporary designed detached dwellings. The elevational treatments comprise a mixture of slate roofs, vertical timber cladding and render which aligns with the characteristic materials seen within the LCT. The massing of the proposed buildings, with their simple linear form with duo pitched roofs responds well to the local characteristics but the proposed arrangement of the individual buildings within the site is rather suburban and does not respond to the overriding characteristics of the existing built form. The arrangement of the proposed dwellings on the site is more characteristic of holiday park accommodation rather than a sensitively designed rural development that would integrate into the existing settlement. The approved Class Q development represents a compact form of development, the form and massing of which is reflective of surrounding pattern of built form in the vicinity of the site.

The proposed layout means three out of the four of the dwellings would have gable ends facing towards the road. All of these gables feature significant glazed elements. The significant areas of glazing proposed to the street facing elevations would manifestly contrast with the low form and agricultural nature of the existing barn and the proposal would lead to the erosion of the rural character in the immediate area.

The rather contrived site layout has been borne out of trying to give each dwelling a private garden and driveway area. The existing approval allows for the development of a total of 395 square metres of accommodation (Unit 1 - 56 square metres, Unit 2 - 95 square metres, Unit 3 - 91 square metres, Unit 4 - 93 square metres and Unit 5 - 60 square metres). The proposed scheme by contrast would provide 532 square metres of accommodation, an increase of 137 square metres, which would represent a 35% increase in the approved floor area. There is no fallback for such an increase in residential accommodation at the site.

In addition, the red line site boundary of the approved scheme is 3,600 square metres, whereas the red line site boundary of the proposed scheme is 12,604 square metres, three and a half times larger.

NPPF Para. 135 states: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

As discussed above, the proposed arrangement of the buildings is not sympathetic to local character and history. The proposal also allows for a much lower density of development than the approved scheme. Planning operates in the public interest. All of the benefits are private, not public. There is no public betterment arising and therefore no fall-back position for this amount of development on a plot of this size.

As such, there is no overriding material consideration upon which to base any departure from local plan policy. The proposal is contrary to Strategy 7 and is unacceptable as a matter of principle

Sustainability / accessibility

Strategy 3 'Sustainable Development' advises the objective of ensuring sustainable development is central to our thinking and includes consideration of factors such as the prudent use of natural resources, which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. As such, developments which are heavily reliant on car travel are not considered sustainable. This is central to the spatial strategy and a new dwelling in the proposed area without adequate services and facilities to meet day to day needs is not supported under Strategy 3.

Strategy 5B 'Sustainable Transport' of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe, and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

This is echoed in policy TC2 'Accessibility of New Development' of the Local Plan which states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also be well related to compatible land uses so as to minimise the need to travel by car.

The site's location outside of any BuAB means that its location is remote from the main centres of population that provide a range of services to meet the day-to-day needs of residents. Strategy 5B and Policy TC2 of the Local Plan require

development to be located where it would encourage walking, cycling and the use of public transport so as to minimise the need to travel by car.

The site is accessed via a narrow unclassified road. The nearest bus stops are at the junction with the A376 which serves the 9 and 9A bus route, between Exeter and Seaton. The route offers regular services, but the bus stop is a 1km walk from the application site. No parts of the route to the bus stop have either footpaths or streetlighting.

Perkins Village does not have any facilities to serve the needs of residents. The nearest villages with a Built-Up Area Boundary with services, facilities and amenities to meet day to day living needs are either Clyst St Mary, just under 4 miles to the west by road, Woodbury, 3 miles to the south or Newton Poppleford, just over 4 miles to the east by road.

The National Design Guide states that walkable neighbourhoods with a mix of uses and facilities reduce demand for energy and supports health and well-being. Walkable neighbourhoods are defined within the National Design Guide as having facilities within a 10 minute / 800 metre walk. The proposed location would be in conflict with this guidance, as well as local plan policy TC2 'Accessibility of New Development' for all the journeys required by a household to access services and amenities. Residents of the development would need to travel to access essential facilities such as a GP surgery, shops, employment, and education, and as such reliance on a private vehicle would be high.

The existing grant of prior approval allows for five two and three bedroom dwellings on the site, as opposed to the four three and four bedroom dwellings proposed in this application. The number of trips generated to and from the site are likely to be comparable. However given the time left on this application prior to its expiry, in the absence of a 'fallback' position, the site is not considered to be suitably located for new dwellings having regard to the local development strategy.

Given the above the proposal would be contrary to Strategy 3, Strategy 5B and Policy TC2 of the Local Plan.

Residential / Neighbour Amenity

No concerns are raised in respect of contamination. Environmental Health have recommended a condition to restrict construction working hours should the scheme be recommended for approval, to reduce impacts to nearby residents.

The proposal would provide a good standard of residential amenity for future users. The proposal allows only 15.9 metres between the rear plot 2, which features significant glazing to the corner, and front of plot 1. However, the site plan indicates Devon Banks would be built between plots to ensure privacy. An appropriately worded condition would be required in respect of the details of any banking and hedging to ensure a good standard of residential amenity for future residents.

In terms of the impact on existing residents, the glazed gable of Plot 2 would be 20.0m from the rear elevation of the existing residential dwelling to the front of the site, which is considered acceptable.

Plot 4 would be within 17 metres from an existing building to the west which faces the road. The planning history of this building indicates it has in the past been used for Class B8 purposes. However given the distance between the proposed dwelling and this building, the intervening mature hedge, and the fact that no objections have been received to the application by Environmental Health, it is considered that the relationship of these two buildings would not lead to any adverse impacts to the amenity of occupants of proposed future residential properties.

With the appropriate condition in place in respect of working hours, the proposal would comply with Local Plan Policy EN14 and D1.

Highways, access and parking

The site would be accessed through an existing established farm entrance off the adjacent unclassified lane which was widened under application 22/1471/FUL. Visibility at the entrance is considered to be acceptable. A new private drive would be built off a new lane constructed under application 23/0430/FUL.

It is thought that the effect of vehicle movements generated by the dwelling on highway safety would be minor, particularly when considered in comparison to the type and nature of farm vehicle movements that would potentially be capable of being generated by the current agricultural use of the site. The proposal indicates two parking spaces per dwelling, which is in line with Local Plan Policy TC9. Policy TC9 also requires that at least 1 bicycle parking space should be provided per home. No provision has been made in this respect, although this could be dealt with via condition.

County Highways have no objection to the proposal but have recommended the provision of a comprehensive Construction and Environment Management Plan, in order to reduce the effects of construction upon the local highway network. This would also be imposed by condition.

With the appropriate conditions in place, the proposal would comply with policy TC7 and TC9 of the local plan.

Ecology / biodiversity

The application is supported by a Preliminary Ecological Appraisal by Devon and Cornwall Ecology, a further Ecological Appraisal by Richard Green Ecology, and a Habitat Suitability Index Survey Report by EPS Ecology.

Concerns were raised initially that inadequate survey work had been undertaken in respect of Greater Crested Newts. However, given the distance of the site from other ponds within the area EDDC's ecologist has confirmed that no additional HSI/eDNA surveys for great crested newts are required at this time.

Emergence surveys undertaken show that the main barn proposed for demolition is used as a day roost by common pipistrelle and soprano pipistrelle bats. A European protected species licence (EPSL) would therefore be required for the works.

The site is also noted as providing suitable habitat for other protected and notable species, including foraging and commuting badgers, dormice, reptiles, common amphibians and hedgehogs. The report includes a number of mitigation measures which include carrying out works (e.g., roof removal) under an ecological watching brief to ensure no bats are killed or injured, the installation of bat boxes on trees prior to works, a check for nesting birds prior to the removal of any shrubs (if works are undertaken between March and September), the protection of hedgerows during construction, cutting vegetation to a 10-15cm sward height to discourage reptiles and covering or providing ramps to excavations to prevent animals becoming trapped during the construction phase.

The report also recommends that external lighting to the development is conditioned to ensure minimal impact to light sensitive bats. At least three bird boxes are proposed as being installed to the new dwellings, and brash piles and log piles are proposed to provide refuge for reptiles on site. The design of external lighting should follow bats and artificial lighting guidance (BCT & ILP, 2023) to ensure minimal impact to light sensitive bats.

The LPA must consider whether a licence is likely to be granted prior to the grant of any planning approval. Natural England can only issue a licence if the following tests have been met:

1. The development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
2. There is no satisfactory alternative; and
3. The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

In terms of reason 1, in terms of the public interest as discussed earlier in the report, officers do not consider that the proposal would be in the public interest as there are few public benefits of the proposed scheme over and above the approved prior approval scheme.

In terms of reason 2, the fallback scheme would allow for the relocation of the common pipistrelle and soprano pipistrelle bats from their existing roost into bat boxes. This is a satisfactory alternative from the perspective of protected species as the impacts to protected species have been avoided, mitigated and compensated in line with NPPF Para. 175.

In terms of reason 3, the submitted Ecological Appraisal states that with the mitigation in place the proposal would maintain the favourable conservation status of the bat species present on site.

Consequently, given that the development is not deemed necessary or in the public interest the LPA considers that a license would likely not be issued and the proposal would infringe Article 12.

However, should the scheme be recommended for approval, the recommendations of the ecology report shall be conditioned as part of any approval to ensure that the works are carried out in accordance with the requirements of the Ecological Appraisal. With the required conditions in place the proposal would be in compliance with Local Plan Policy EN5.

Biodiversity Net Gain

A Statutory Biodiversity Metric calculation has been supplied with the application. As per the comments from EDDC's ecologist, there remains uncertainty surrounding the retained hedgerows on the northern and eastern boundary. The Ecological Appraisal and the submitted biodiversity metric calculation confirm that the hedgerows will be retained. These hedgerows contribute a total of 3.01 biodiversity units, representing a substantial portion of the development's overall Biodiversity Net Gain (BNG).

The proposed site plan does not distinguish between which hedges would be in the public realm and which would be within private curtilage. If these hedgerows were to be retained within the public realm, the proposed site plan would need to be amended to illustrate a clear buffer and with associated fencing, etc, between the garden boundaries and the existing hedgerows, to allow space for their ongoing traditional management with all details provided in a Habitat Management and Monitoring Plan. As per the comments from EDDC's ecologist, if it is not possible to secure the hedgerows outside of private residential curtilage, they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG), and they should be recorded in the biodiversity metric as 'native hedgerows in poor condition'. This classification reflects the likely degradation of these features over time, as inclusion within private gardens typically leads to reduced ecological value due to unmanaged growth, removal, or fragmentation.

Given their importance to the BNG objective, it is essential to establish a clear understanding of the long-term monitoring strategy for the hedges, to ensure that their contribution on site BNG remains valid over the 30 years.

Several other concerns have also been raised by the submitted BNG assessment which have now been addressed by the applicant. The existing pond / attenuation basin, which was previously not included in the baseline assessment, has now been added to the assessment.

Concerns have also been also expressed regarding the size of the proposed trees included within the post development proposals. The plans as submitted allowed for the provision of eight medium-sized trees. Sourcing trees of this size within the UK is likely to be challenging, with transportation requiring specialist equipment and the establishment of the trees would require intensive, expert care during the initial years. Since these comments were made by EDDC's ecologist, revised plans have been submitted incorporating the recommended 32 small trees which is a more realistic prospect.

Whilst biodiversity net gain is a post-permission matter, LPA must be confident the habitat creations proposed onsite are realistic and achievable and that the biodiversity gain condition is capable of being discharged. Insufficient information has been provided to demonstrate that a 10% uplift could be achieved on site.

Planning Practice Guidance states that it would be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met, however decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. As stated above it while it has not been demonstrated that the gains could be secured on site it would be entirely feasible for the condition to be met through the purchase of statutory biodiversity credits. Therefore, the proposal is considered acceptable subject to the determination of the Biodiversity Gain Plan following the grant of any planning approval.

Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and 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 Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. 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. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Trees

The proposed development moves the buildings away from the existing tree line and therefore offers an improved spatial arrangement with regards to trees, over the previously approved scheme in the prior approval notification 22/2796/PDQ. On this basis, no objection is raised to the principle of the proposed development on arboricultural grounds. Should the application be recommended for approval, a condition would be imposed requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

Echoing the comments made by EDDC's ecologist, concerns regarding the site hedges have also been raised by EDDC's tree officer, in respect of how the site's existing hedgerow boundaries will be managed. The submitted site plan shows the hedges forming part of the residential curtilage which would lead to a gradual erosion and loss of these features. The tree officer has recommended that any planning approval should be subject to a condition requiring the submission of a LEMP where the ongoing appropriate management of the hedgerows is secured into the future.

With the appropriate conditions in place to ensure the provision of a LEMP, and compliance with the Arboricultural Method Statement and Tree Protection Plan, the proposal is acceptable and in accordance with Local Plan Policy D3.

Drainage

Percolation tests carried out on the site have demonstrated that an infiltration based system is unfeasible. As a result, surface water is proposed as being managed within a detention basin before discharging into a watercourse adjacent to the site. The attenuation basin has an 87 square metre base area with 1:3 sloping sides and has been sized to accommodate run off from an impermeable site area of 1987 square metres. The watercourse is not within the applicant's ownership therefore Land Drainage consent would be required to form the outfall into the watercourse.

The Environment Agency's surface water flood risk mapping determines a flowpath entering the east of this site. The scheme proposes to manage the overland flows via a conveyance ditch which includes check dams to attenuate and control flows.

Foul sewage would be dealt with via a package treatment plant which would also discharge into the watercourse.

DCC Flood Risk Team have removed their earlier objection to the scheme following the submission of a surface water drainage scheme. A condition would be imposed upon any approval in respect of the detailed design of the proposed surface water drainage system, as well as management of surface water and sediment during the construction stage

With the appropriate conditions in place the application would comply with Local Plan Policy EN22.

Flood risk

The site is within Flood Zone 1. The unclassified road to the west of the site is noted as being at risk of surface water flooding. The proposed drainage scheme discussed above has been designed to attenuate surface water run-off and exceedance flows over the site to ensure flood risks elsewhere are not increased.

Other matters

Exeter Airport have commented that the proposal does not appear to conflict with safeguarding criteria. The developer and contractor must abide by the Airport

Operators Association (AOA) Advice notes: Cranes and other Construction Issues in order to not breach the Air Navigation Order.

Given the above, the proposal complies with Local Plan Policy TC22.

Planning Balance

The application seeks approval for four detached dwellings using the previous Class Q approval as a fallback position. The relevant case law clarifies that the fall-back position will only be a material consideration if there is a realistic prospect of the Class Q permission being implemented. Given that the existing prior approval expires on 13th February 2026 it is not considered that the fall back is a realistic prospect. It is not clear that the prior approval scheme previously approved would comply with the requirements of the General Permitted Development (England) Order 2015 as amended on 21/02/2024 which requires dwellings to comply with the Nationally Described Minimum Space Standards in terms of dwelling area and minimum headroom. As such it is not considered that the fall back position could be relied upon.

Irrespective of the fall back position, the proposal gives rise to a number of concerns regarding wider negative impacts.

The proposed application site is three and a half times larger than that of the prior approval red line site boundary, and in the absence of any public enhancements or benefits of the scheme over the fall back position, there is no fall back position for this extent of development on a plot of this size and there is therefore no overriding material consideration upon which to base any departure from local plan policy.

In comparison to the previous grant of prior approval scheme, the proposal would lead to harm to the character and appearance of the area through the suburban character of the proposed development, the large expanses of glazing in contrast to the low form and agricultural nature of the existing buildings, and a significant increase in the extent of the residential curtilage.

In terms of the presumption in favour of sustainable development, the moderate benefit of adding four additional dwellings to the housing supply and the benefits of the proposal to the local economy attract moderate weight in favour of the proposal. In the absence of a fall back position the proposal would not be in a suitable location having regard to the development plan policies aimed at ensuring the accessibility and sustainability of new residential development. The proposal would also be in conflict with policies that require development to respect the key characteristics of the area. As such the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.

Given the above, the proposal would be contrary to policies contained within the Local Plan and the NPPF and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development in the countryside would by reason of its scale, uncharacteristic layout and significant glazed areas, result in an incongruous, suburban and visually obtrusive form of development, unsympathetic to the local rural landscape character and would result in harm to the character and appearance of the area. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraph 135 of the National Planning Policy Framework and the guidance within the National Planning Policy Framework.

2. The site is within the countryside where residential development is restricted in accordance with the spatial strategy of the development plan. The location is not well related to services, facilities, and amenities to serve the day to day needs of future occupiers, and in the absence of safe, convenient access for all pedestrians and cyclists to such facilities and given the distance to access public transport from the site, the proposal would result in increased reliance on car travel and is an unsustainable form of development. As such the scheme would be contrary to the provisions of Strategy 3 (Sustainable Development), Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside), and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031, the National Planning Policy Framework and guidance contained within the National Design Guide.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

8496-04 REV D : visibility splay	Other Plans	18.02.25
8496-06 REV A : plot 1	Proposed Combined Plans	18.02.25
8496-07 REV B : plot 2	Proposed Combined Plans	18.02.25
8496-08 REV B : plot 3	Proposed Combined Plans	18.02.25

8496-09 REV B : plot 4	Proposed Combined Plans	18.02.25
8496-LP	Location Plan	18.02.25
8496-15 C : BNG planting plan	Landscaping	10.12.25
8496-03 G	Proposed Site Plan	10.12.25
3001 D : surface water drainage plan	Other Plans	12.01.26

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Exeter & Devon Airport - Airfield Operations+Safeguarding

21/25/AY

Grid Ref: 302637 , 91426

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:
Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

County Highway Authority

Observations:

I have visited the site and reviewed the planning application documents.

This application is a fall back one from that of the 2022 PDQ application, 22/2796/PDQ which was approved. That application was for the construction of five dwellings, therefore this proposed application will see a slightly reduced vehicle trip generation from the approved one.

The same improved access track and visibility splay is also proposed to our current best practice guidance, Manual for Streets 1 and 2.

I do recommend the provision of a comprehensive Construction and Environment Management Plan, should this application be approved in order to reduce the effects of construction upon the local highway network.

I also recommend the provision of secure cycle storage per dwelling in order to encourage sustainable travel and help reduce the vehicle trip generation.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, 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 to 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.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land.

DCC Flood Risk Management Team

24.04.2025 - FRM/ED/0368/2025

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has submitted drawing Proposed Site Plan (Drawing ref. 8496-03., Rev. D., dated 31st January 2025).

The applicant is proposing to remove an existing agricultural barn surrounding facilities to develop 4 new dwellings, a new access track, a pond and several Devon banks.

Despite the proposed site plans, the applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:
<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

DCC Flood Risk Management Team

23/07/2025

The Ground Investigation report should be submitted.

The applicant should submit a screenshot of the FEH Catchment Descriptors. This screenshot should show the site on the FEH Mapping (on the FEH website), with the annotation of the catchment descriptors. All of the proposed access road should be drained please. Could the filter drain be extended further? Could another feature be included to drain the remainder of the access road (including junction)?

Maintenance details are required. Exceedance routes should be demonstrated on a plan.

EDDC District Ecologist

20.06.2025

1 Introduction

This report forms EDDC's Ecology response to the full application for the above site. The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Review of submitted details

Comments relate to the following documents:

Preliminary Ecological Appraisal, Devon and Cornwall Ecology, November 2024

Ecological Appraisal, Richard Green Ecology, February 2025

Statutory Biodiversity Metric, completed by Katy Perry, Richard Green Ecology, 06/02/2025

Habitat Suitability Index Survey Report, EPS Ecology, March 2025

Designated Sites

The site is within 10 km of the Exe Estuary Ramsar site\Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA).

Habitat Mitigation payment, as set out on the EDDC website, would be required to off-set potential impacts from the development on these designated sites.

Habitats

The site is bordered by a species rich hedgerow to the north and a species rich, native devon hedge bank on the eastern boundary, habitats of Principal Importance. The development proposals include their retention, which is supported, however it is not clear whether they will form part of the four residential curtilages.

In determining planning approval, it is essential to establish a clear strategy for the long-term management of the site's existing hedgerow boundaries. To facilitate this, it is recommended that proposed garden boundaries be set back from the existing hedgerows, thereby enabling ongoing access and appropriate maintenance over the long term and in accordance with biodiversity net gain objectives (see below).

Protected and Notable Species

Great Crested Newts

The site is within a great crested newt (GCN) consultation zone. An HSI survey was undertaken of the onsite pond (March 2025) indicating it has 'poor' habitat suitability and that it is unlikely to be used by GCN.

Section 4.4 of the Preliminary Ecological Appraisal (Devon and Cornwall Ecology, November 2024) identified 3 ponds within 250 m (including the onsite pond) that are well connected to the site and Section 4.7.2 of the Ecological Appraisal (Richard Green Ecology, February 2025), states that ponds within 250 m of the site should be subject to eDNA surveys.

However, no explanation or justification has been provided for why other ponds in the vicinity have been excluded from an HSI/eDNA survey.

Farringdon School County Wildlife Site, located approximately 1 km north-west of the application site, contains confirmed records of GCN and this species is known to be present within this part of East Devon.

The proposed development includes the demolition of several buildings and the removal of tall ruderal vegetation. As noted in Section 3.3.5 of the submitted Ecological Appraisal, this vegetation offers suitable terrestrial habitat for GCN, which rely on such features for foraging, shelter, and hibernation outside of the breeding season.

The presence of protected species is a material consideration in the determination of planning applications. Without comprehensive survey data and clearly defined avoidance, mitigation, and compensation measures, the local planning authority cannot fully assess the potential ecological impacts of the proposed development or ensure compliance with statutory obligations.

It is therefore recommended HSI/eDNA surveys are undertaken of all suitable ponds within 250 m of the site with the results informing the next steps. It should be noted that DNA analysis must be undertaken between the 15th of April until the 30th of June to be considered valid.

Bats – Roosts

Four buildings onsite are proposed for demolition. Two dusk emergence surveys determined the main barn, identified as B1 is used by common pipistrelle and soprano pipistrelle bats (low numbers) as a day roost. A European protected species licence (EPSL) will be required for the works.

Other

Ecological surveys considered the site also provides suitable habitat for other protected and notable species, including foraging and commuting badgers, dormice, reptiles, common amphibians and hedgehogs with acceptable recommended mitigation, compensation and enhancement measures.

Biodiversity Net Gain (BNG)

The submitted BNG assessment raises several issues, including a fundamental omission that must be addressed before determination.

Baseline habitats

In accordance with national validation requirements for Biodiversity Net Gain (BNG), all habitats located within the red line application boundary must be recorded in the baseline section of the Biodiversity Metric. The onsite pond has not been included in the current calculations, resulting in an incomplete baseline assessment.

Consequently, it is unclear how the proposed development will achieve the required biodiversity gain. Inclusion of the pond is essential to ensure an accurate and compliant assessment.

Post-development proposals

Trees

The post-development proposals include the provision of eight medium-sized trees. However, sourcing trees of this size within the UK is likely to be challenging. Their transportation would require specialist equipment, and their successful establishment on site would depend on intensive, expert care during the initial years. Given these constraints, the planting of smaller, native tree species post-development is recommended as a more practical and sustainable alternative.

Hedgerows -Existing

The baseline habitat plans indicate the existing species-rich native hedgerow to the north and the species-rich native hedgebank on the eastern boundary are proposed to be retained and maintained in their current condition. As discussed above, it is not clear if these hedgerows will remain in the public realm or form part of private curtilages.

If the hedgerows are to be managed and maintained within the public realm, the current metric calculation is considered appropriate. However, where hedgerows are included within private ownership, there is no assurance that ongoing maintenance and intervention will be carried out to preserve their baseline condition (i.e., 'moderate'). In such cases, the metric should be adjusted accordingly. To ensure compliance with the *Statutory Biodiversity Metric User Guide* (page 30), the guidance on habitat retention must be followed, and the metric amended to reflect this requirement.

Hedgerows - Created

The ecology report incorrectly classifies the newly created hedgebanks surrounding each dwelling as 'vegetated garden'. These features should instead be recorded under the 'On-site Hedge Creation' section of the biodiversity metric as 'native hedgerow' in 'poor' condition. This classification more accurately reflects their ecological function and allows them to contribute biodiversity units toward the overall net gain for the development.

3 Recommendations

I currently submit a holding objection to the application until the above information has been addressed. This includes:

- HSI/eDNA surveys of surrounding ponds within 250 m of the application site
- An accurate baseline assessment in the Statutory Biodiversity Metric to include all habitats within the application site boundary
- Clarity regarding the retention of the boundary hedgerows

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 and whether the statutory biodiversity gain condition

can be lawfully discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990, Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan, 2013-2031.

Therese Goodwin MA

Ecology Officer
East Devon District Council

03.09.2025 – Objection

In response to the EDDC Ecology comments dated 20 June 2025, a letter report submitted by ARA Architecture (dated 10 July 2025) provides a response and a partial resolution of the concerns raised. However, several matters remain unresolved

Great Crested Newts

The applicant has submitted sufficient justification to confirm that no additional HSI/eDNA surveys for great crested newts are required at this time.

Hedgerows

As mentioned in previous comments, there remains uncertainty surrounding the retained hedgerows on the northern and eastern boundary. The response from ARA Architecture (July 2025) in Section 3.1 states that these existing hedgerows, referenced by ARA Architecture as 'h2a5' and 'u1' would be retained in their current condition and could be legally secured with a planning condition.

The Ecological Appraisal (Richard Green, Feb 2025) and the biodiversity metric confirm that two hedgerows, identified with reference numbers 7 and 8 in the metric and baseline plan (Fig. 1), and labelled H1 and H2/G1/G2/A1 in the Proposed Site Plan (Fig. 3), will be retained. These hedgerows contribute a total of 3.01 biodiversity units, representing a substantial portion of the development's overall Biodiversity Net Gain (BNG).

Given their importance to the BNG objective, it is essential to establish a clear understanding of their current ecological condition, management requirements, and long-term monitoring strategy. This will ensure that their biodiversity value is maintained or enhanced over time, and that their contribution to net gain remains valid over the 30 years.

It is currently unclear from the post-development habitat plan (Figure 2) which hedgerows are designated as h2a5 (i.e. located within the public realm) and which are classified as u1 (i.e. situated within private curtilage), as the figure does not provide a clear visual distinction between these categories.

Due to this lack of clarity, it would be inappropriate to impose a planning condition relating to hedgerow retention or management. Further clarification is required to

accurately determine the post-development status and location of these features before appropriate conditions can be considered.

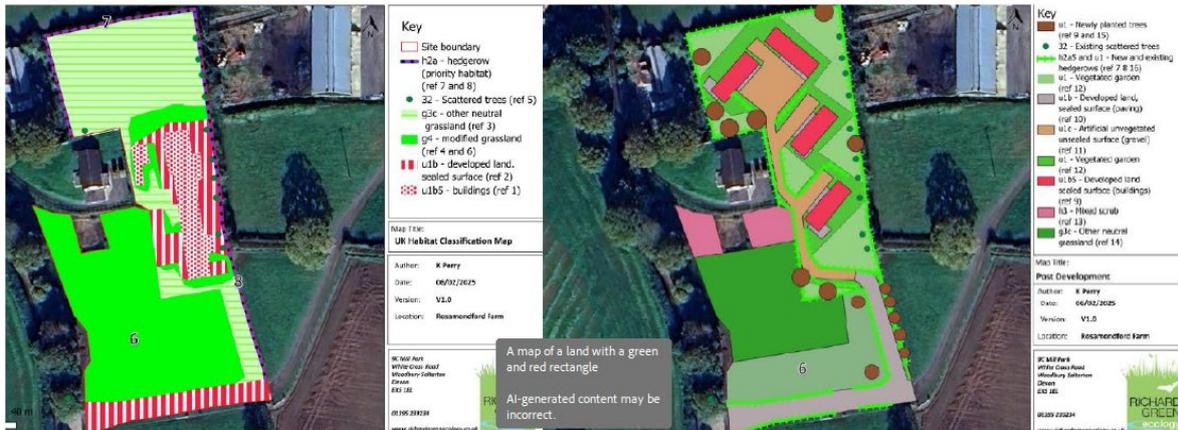


Figure 1

Figure 2

If these hedgerows are to be within the public realm, the Proposed Site Plan in Figure 3 (Dwg No 8496-03 Rev E, ARA Architecture) will need to be amended to illustrate a clear buffer and with associated fencing, etc, between the garden boundaries and the existing hedgerows, to allow space for their ongoing traditional management with all details provided in a Habitat Management and Monitoring Plan.



Figure 3

Figure 4

If it is not possible to secure the hedgerows outside of private residential curtilage, they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG). In such cases, they should be recorded in the biodiversity metric within tab B-2 as 'native hedgerows in poor condition'. This classification reflects the likely degradation of these features over time, as inclusion within private gardens typically leads to reduced ecological value due to unmanaged growth, removal, or fragmentation.

There is currently a lack of consistency between Figure 2, Figure 3 and Figure 4 (Dwg No 8496-15 Rev A BNG Planting Plan, ARA Architecture) regarding habitat labels, reference numbers, and proposed habitat locations particularly on the eastern

boundary. Figure 4 appears to show H1 and H2 will be created in addition to existing hedgerows.

Clear, consistent, and cross-referenced habitat numbers/labels across all habitat and proposed site plans are required to accurately determine the location, extent, and condition of each habitat type and ensure alignment between baseline and post-development assessments.

Biodiversity Net Gain (BNG)

Several concerns remain regarding the BNG assessment in addition to the concerns regarding the onsite hedgerows as addressed above.

Pond and Attenuation Basin

In accordance with national validation requirements for Biodiversity Net Gain (BNG), all habitats located within the red line application boundary must be recorded in the baseline section of the Biodiversity Metric. The onsite pond/attenuation basin has not been included in the current calculations, resulting in an incomplete baseline assessment. Consequently, it is unclear how the proposed development will achieve the required biodiversity gain. Inclusion of the pond is essential to ensure an accurate and compliant assessment.

Please note that should the development have no impact to the pond, it must still be recorded within the baseline calculations of the metric. It is acknowledged the pond may be currently dry given the lack of rainfall during the spring and summer of 2025; however, a photo of the pond (plate 11) within the Ecological Appraisal (Feb 2025) indicates the pond has previously held water.

An attenuation basin has been added to the post development plans indicated in Fig 3 and Fig 4. This is not currently recorded within the post development metric calculations. Should the application be minded for approval, these details will need to be reflected in the final metric calculations submitted with the biodiversity gain plan, post consent.

Trees

The post-development proposals include the provision of eight medium-sized trees. Please note that the designation of 'medium' is the size of the tree at the time of planting. A medium size tree has a diameter at breast height (approx. 1.5 m from the ground) of between 30-60 cm. The planting of small, native tree species post-development is recommended as a more practical, cost-effective and sustainable alternative.

Hedgerows - Created

The Ecological Appraisal (Richard Green, Feb 2025) incorrectly classified the newly created hedgebanks surrounding each dwelling as 'vegetated garden'. These features should instead be recorded within tab B-2 of the biodiversity metric as 'native hedgerow in poor condition'. This classification more accurately reflects their

ecological function and allows them to contribute biodiversity units toward the overall net gain for the development.

2 Recommendations

I currently submit a holding objection to the application until the above information has been addressed. This includes:

- An accurate baseline assessment in the Statutory Biodiversity Metric to include all habitats within the application site boundary.
- Clarity regarding whether the existing boundary hedgerows will be retained in the public realm or will be within private curtilage with the metric amended accordingly.
- All post development habitat plans, proposed site plans and BNG planting plans must be aligned and illustrated with consistent, clear and cross-referenced habitat labels.

Reason:

It has not been demonstrated that the metric has been completed in accordance with statutory guidance and therefore, it is uncertain whether the biodiversity gain condition would be capable of being discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Therese Goodwin - Ecology Officer

20.11.2025 – Objection

1 Review of submitted details

An amended Ecological Appraisal (Richard Green Ecology, Oct 2025) and statutory metric (completed by Katy Perry, dated 29/09/25) have been provided to address previous EDDC ecology comments from 03/09/25.

Whilst these updated documents have addressed several matters, the following concerns require further clarification and/or additional information:

Onsite Pond

Section 3.2.1(g) of the Ecology Appraisal (Richard Green Ecology, October 2025) notes the presence of an onsite pond currently assessed as being in poor ecological condition. However, the metric has classified the feature as a Sustainable Drainage System (SuDS), with no justification for the change in habitat classification. SuDS and ponds have different arbitrary biodiversity values in the metric, and as such it is important that they are recorded correctly to accurately reflect the pre-development and post-development biodiversity values.

Ponds are vital for biodiversity, offering essential habitats for a wide range of species. The existing pond is currently in poor condition, presenting an opportunity to enhance an important habitat on site, supporting wildlife and contributing to overall ecosystem health.

1. Other Neutral Grassland

The post development BNG proposals include the creation of 0.26 ha of other neutral grassland in moderate condition located in the southwest field and in several locations adjacent to private gardens of all four dwellings. The following concerns are noted:

- i The site appears to be subject to agricultural influences and likely has a high nutrient burden. Therefore, if it is proposed to create species-rich grassland, it would need to be backed by evidence in its likelihood of success or otherwise.
- ii No information has been provided whether the field in the western section of the site will continue to be cattle grazed which could have a bearing on the establishment and long-term success of the proposed grassland.
- iii It is unclear how the separate areas of species-rich grassland adjacent to the private gardens will be managed and maintained as they do not appear to be publicly accessible.

1. Post development medium size trees

Section 4.2.2 of the Ecology Appraisal (Richard Green Ecology, October 2025) notes that instead of 8 medium size trees planted post development, 32 small trees could be planted within the grassland to the south-west of the site. Whilst this amendment is welcome, the BNG Planting Plan (dwg 8496-15 Rev A, ARA Architecture, March 2025) will need to be amended to reflect this change.

1. Retained Hedgerows

ARA Architecture have stated that the retained species-rich native hedgerows currently assessed as being in moderate condition, will not be within the boundary of the private dwellings. However, the updated UKHab Post-development Habitat Map (Richard Green Ecology, September 2025), shows several sections of the retained hedgerows (circled in black) within private curtilage as indicated in Figure 1. Figure 1 – Annotated UKHab Post Development Habitat Map (Richard Green Ecology, 2025).

Any garden boundary should stop short of the existing boundary hedgerows to allow sufficient space for their ongoing traditional management. There should be a publicly accessible (non-hardstanding) 2m wide buffer adjacent to the hedge to allow its long-term maintenance.

1. Consistency between post development habitat plans and BNG planting plans

As previously requested, there is a lack of consistency between the Post Development Habitat Map (Richard Green Ecology, September 2025) and the BNG Planting Plan (Dwg No 8496-15 Rev A BNG Planting Plan, ARA Architecture). As this is a full application, it is essential that the two plans align to provide assurance that the proposed on-site BNG measures are not only achievable but deliverable in practice.

Clear, consistent, and cross-referenced habitat numbers/labels across all habitat plans are required to accurately determine the location and extent of each habitat type, including size of buffers adjacent retained hedgerows post development.

1. Other

The 'delay in starting habitat creation' column should be completed to reflect the delay in habitat creation that is likely to occur as a result of construction activities.

2 Conclusion and Recommendations

Whilst biodiversity net gain is a post-permission matter, the LPA must be confident the habitat creations proposed onsite are realistic and achievable and that the biodiversity gain condition is capable of being discharged. At present, there are several matters that require clarification and/or further information to provide this confidence; therefore, I currently submit a holding objection until the following have been provided:

- Please provide clarity regarding the baseline classification of the onsite pond/SuD with supporting evidence, including photographs.
- Please provide further details regarding the 'other neutral grassland' referenced in Section 2 above, including confirmation on whether the field will continue to be managed through cattle grazing.
- Please provide post development plans that clearly show a suitable buffer between the residential gardens and the retained hedgerows as detailed in Section 4 above, including consistent representation of post development habitats within all habitat/landscaping plans. These plans should also include public access to the areas of other neutral grassland adjacent to private gardens, to ensure these species-rich grassland areas can be managed and maintained over 30 years.

Reason:

It has not been demonstrated that the metric has been completed in accordance with statutory guidance and therefore, it is uncertain whether the biodiversity gain condition would be capable of being discharged. In the absence of this information, the proposal is not in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Therese Goodwin
Ecology Officer

Natural England
508663

Thank you for your consultation on the above dated 02 April 2025 which was received by Natural England on 02 April 2025

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE
FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON
DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England's statutory advice on these potential impacts is set out below.

Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from

the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A - Natural England general advice

Protected Landscapes

Paragraph 189 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also

be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty

Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 193-195 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK (www.gov.uk) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK (www.gov.uk)).

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Annex A - Natural England general advice

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England (gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is also applies extended to small scale development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Biodiversity Net Gain guidance ([gov.uk](https://www.gov.uk)) provides more information on biodiversity net gain and includes a link to the Biodiversity Net Gain Planning Practice Guidance ([gov.uk](https://www.gov.uk)).

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric for more information. For small development sites, The Small Sites Metric may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on Sites of Special Scientific Interest: [managing your land](#)

Annex A - Natural England general advice

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

The Environmental Benefits from Nature Tool - Beta Test Version - JP038 ([naturalengland.org.uk](https://www.naturalengland.org.uk)) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187, 188). This is the case regardless of whether the proposed

development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk). The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home (naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

Annex A - Natural England general advice

The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails:
Paragraphs 105, 185, 187 and 193 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk).

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.

EDDC Trees

The proposed development layout is an improved spatial arrangement with regards to trees, over the previously approved scheme in the prior approval notification 22/2796/PDQ. On this basis no objection is raised to the principle of the proposed development on tree grounds. Any planning approval should be subject to a condition requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

In granting any planning approval, we need to be clear as to how the site's existing hedgerow boundaries will be managed. If they form part of any residential curtilage there will be a gradual erosion and loss of these features. Any garden boundary should stop short of the existing boundary hedgerows, to allow space for their ongoing traditional management. Any planning approval should be subject to a condition requiring the submission of a LEMP where the ongoing appropriate management of the hedgerows is secured into the future.

Draft Tree Protection Condition:

Tree Protection - The Approved Tree Protection Plan(TPP) and Arboricultural Method Statement(AMS)

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 12th day of November 2024 will have been completed:

- a) The tree protection fencing and ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection fencing and ground protection shall have been inspected by an appropriately experienced and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisor's initial site inspection shall be forwarded to the Local Planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP shall be followed:

- d) All recommendations within the AMS and TPP shall be strictly followed.
- e) The tree protective fencing and ground protection shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days.

On completion of the development hereby approved:

- g) The tree protection fencing and ground protection can finally be removed.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

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.