

Ward Clyst Valley

Reference 26/0103/PIP

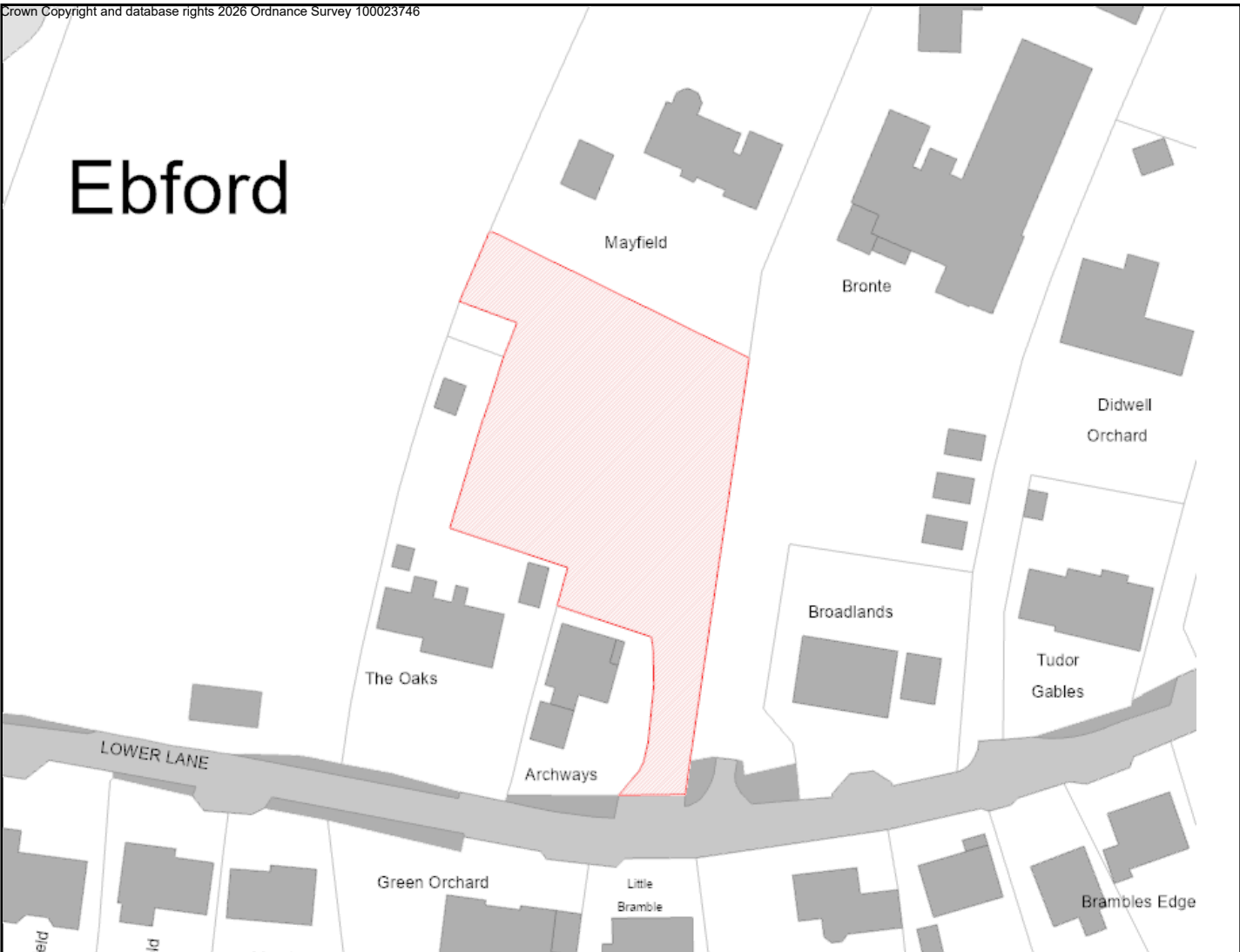
Applicant Mr & Mrs Mark & Anita Lavis

Location Mayfield Lower Lane Ebford Exeter EX3 0QT

Proposal Permission in principle for the erection of 1no. dwelling



RECOMMENDATION: Adopt The Appropriate Assessment and Approve



		Committee Date: 21.04.2026
Clyst Valley (Clyst St George)	26/0103/PIP	Target Date: 26.02.2026
Applicant:	Mr & Mrs Mark & Anita Lavis	
Location:	Mayfield Lower Lane	
Proposal:	Permission in principle for the erection of 1no. dwelling	

RECOMMENDATION: ADOPT THE APPROPRIATE ASSESSMENT AND APPROVE

EXECUTIVE SUMMARY

The application seeks Permission in Principle (PiP) for the erection of one dwelling on part of the garden at Mayfield, Lower Lane, Ebford. At PiP stage, the Council can only consider location, land use, and the amount of development; all design and technical matters are reserved for a later Technical Details Consent (TDC) application.

The application is before members as the proposal is a departure from the East Devon Local Plan strategic approach to residential development.

Notwithstanding this East Devon District Council cannot demonstrate a five-year housing land supply, meaning relevant Local Plan policies are considered out-of-date and the NPPF tilted balance is engaged. This requires granting permission unless harms significantly and demonstrably outweigh benefits.

Although the site lies outside any built-up area boundary and is technically within the countryside, recent appeal decisions have confirmed that some sites in Ebford can still be considered sustainable location for small-scale residential development. The application site, while slightly more remote than the appeal site at Branscombe Farm, still provides access to footways, bus stops on the A376, and services in Clyst St George and at Darts Farm. Accordingly officers find no conflict with Strategy 5b and Policy TC2 of the Local Plan.

Furthermore officers consider that:

- The site can accommodate a single dwelling without harming the character of Ebford, given surrounding low-density residential development.
- Amenity impacts on neighbours can be addressed at the TDC stage through suitable boundary treatment and layout.

- Access and parking can be appropriately managed and no arboricultural concerns have been raised.
- A required Appropriate Assessment has been completed, and the applicant has provided a S.111 contribution to secure habitat mitigation for impacts on protected European sites.

Given the modest scale of development, absence of identified significant harm, and the Council's housing land supply position, the proposal is considered to comply with national policy under the presumption in favour of sustainable development. The small contribution to local housing weighs in favour of approval.

CONSULTATIONS

EDDC Trees

No arb concerns.

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 34 (District Wide Affordable Housing Provision Targets)

TC7 (Adequacy of Road Network and Site Access)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Clyst St George Parish Neighbourhood Plan 2015 – 2031

CSG1 (Sustainable Development)

CSG3 (Flood Risk)

CSG5 (Development Outside the Settlement Areas)

CSG6 (Protection of Trees and Woodlands)

CSG9 (Design Matters)

OFFICER REPORT

Procedure

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

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

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

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

Material Planning Considerations

The Council is currently unable to demonstrate a five year land supply and therefore the provisions of paragraph 11d) of the National Planning Policy apply.

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

Recent approvals for residential development within Ebford include 25/1487/PIP, for five dwellings at the adjacent site of Land Adjoining Shepherds Court and 25/2593/PIP at Land Adjacent to A376 Exmouth Road, also for up to five dwellings. Both were determined at Planning Committee where members resolved to approve having considered the Planning Inspectorate's findings in the aforementioned appeal decision and the Council's Housing Land Supply Position. A site visit was also conducted for 25/2593/PIP in order to assess the site's access to nearby services and facilities.

Site Location and Description

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. Whilst the focus is on the West

End and the seven main towns, development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

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

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

The principle of the development is not supported by the development plan.

Location of the Site and Accessibility to nearby Services and Facilities

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

In determining appeal APP/U1105/W/24/3347347 (24/0110/FUL – See figure 1 below) the inspector concluded the following:

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

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

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

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

11. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited, with paragraph 110 of the Framework recognising that opportunities to maximise sustainable travel choices will be different between rural and urban areas. Consequently, despite the countryside location of the appeal site, given the alternative options available, along with access to public transport, I do not find the appeal site to be so poorly located in terms of travel patterns and choices. Moreover, whilst I find that an increase in travel by private car would be a likely inevitable consequence of the proposal, given the limited size of the development, the likely trip generation is unlikely to have a notable impact on the level of traffic using the lane or road safety.

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

The appeal site is located closer to the services and facilities located in Clyst St George and Darts Farm when compared to the application site. In order for prospective occupants of the proposal dwelling to access these, they would be required to walk along Lower Lane to get to the pedestrian footpaths along Exmouth Road. It is at this point where Lower Lane meets the A376 that there is also access to bus stops either side of the crossroad that provide regular services to nearby settlements including Exeter and Exmouth.

The inspector in the Branscombe Farm appeal acknowledges that the majority of trips shall be made by private modes of transport before factoring in the provisions of paragraph 110 of the National Planning Policy Framework that states:

*'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. **However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'***

Whilst it is acknowledged that the relationship between the appeal site and Mayfield to the nearest services and facilities are materially different due to their position within the village, it is not considered that they differ so substantially to warrant an alternative position to be taken when considered against Strategy 5b and Policy TC2 of the East Devon Local Plan. It is also relevant that the Council has very recently granted planning in principle for 5 dwellings on the site immediately adjacent to this one, accessed from the same road. As such, it is the view of officers that the proposal meets the objectives of these policies.

Impact on Character and Appearance of the Area

The site sits within an established pattern of low-density residential meaning that its introduction would read as a natural and proportionate addition to the existing settlement. The Planning Statement identifies that the site is an undeveloped parcel of land adjacent to residential properties, with built form to the west and agricultural land beyond, establishing a transitional character already influenced by neighbouring dwellings.

The application is supported by an indicative Site Layout Plan that shows the construction of a chalet style bungalow. It is considered that this approach, coupled with its position set back from Lower Lane behind The Oaks and Archways, would ensure that development would not materially alter the character of the road or, in a broader sense, disrupt the landscape setting of the village.

The Planning Statement emphasises that the dwelling would be designed at the Technical Details Consent stage to reflect the scale, form, and materials typical of Ebford, ensuring a sympathetic response to local distinctiveness and reinforcing the village's character rather than competing with it. The modest nature of the scheme enables opportunities to incorporate landscaping, which shall provide an opportunity to strengthen its integration within the semi-rural context. Given its siting alongside existing properties the development is not anticipated to result in any significant adverse visual impacts, nor would it erode the settlement's rural identity or sense of openness. As such, the proposal is assessed as having a neutral effect on the character and appearance of the area, subject to detailed design considerations at the subsequent Technical Details Consent Stage.

Overall, officers are satisfied that the development accords with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and CSG9 (Design Matters) of the Bishops Clyst Neighbourhood Plan.

Impact on Neighbouring Amenity

The application has included an indicative Site Layout Plan that positions a chalet bungalow centrally within the plot. It is considered that this intended scale and form of development can be achieved without causing undue harm to the amenity enjoyed by the host property (Mayfield) but more importantly the properties of The Oaks and Archways. During an officer site visit it was observed that the garden of Archway is partially enclosed by a timber post and rail fence and therefore line of sight is possible from within the application site into their garden and vice versa. As such,

any application for Technical Details Consent shall need to submit a details landscaping scheme in order to provide an appropriate boundary treatment here.

The garden that serves the Oaks also has an odd form with a narrow strip of garden that would run along the west boundary of the application site which consists of a couple of outbuildings. The boundary here consists of intermittent shrubs, hedging and trees. Again, due to the patchy character of the vegetation that delineates this boundary, further landscaping should be considered here at TDC stage.

Fundamentally the size of the application site is adequate to facilitate development of a single dwelling whilst ensuring the amenity of neighbouring properties is not adversely impacted. The application is therefore compliant with Policy D1 of the East Devon Local Plan.

Appropriate Assessment

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

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

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

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

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

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

Other Matters

Trees – The development is likely to require removal of a couple of small trees within the garden of Mayfield. These appear to be of limited arboricultural value. The application has been reviewed by the Council's Tree Officer and no concerns have been raised.

Access- The development shall share the existing access with Mayfield onto Lower Lane. Given that the access has good visibility and already utilised for residential purposes officers are satisfied that the development would not cause undue harm to the safety of Lower Lane.

Parking – Given the lack of available on street parking or any car parks in close proximity to the application site, the development shall be required to provide parking in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan.

Conclusion

On 12 December 2024, the NPPF was updated, reverting to the more usual position whereby the Council is required to demonstrate a 5-year housing land supply. Changes to how this is to be calculated mean that the Council can now only demonstrate 3.5 years of supply. As such, and as explained in more detail below, the tilted balance is now engaged.

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

For decision-taking this means:

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

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

- i) the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear that where the policies of the Local Plan are out of date, which is the case here, in the absence of a 5 year housing land supply, then the so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

RECOMMENDATION

1. Adopt the Appropriate Assessment
2. Grant Permission in Principle.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District

Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

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

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

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

Plans relating to this application:

SU.01	Location Plan	22.01.26
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List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.