

Ward Budleigh And Raleigh

Reference 26/0201/FUL

Applicant Mr & Mrs M Parkin

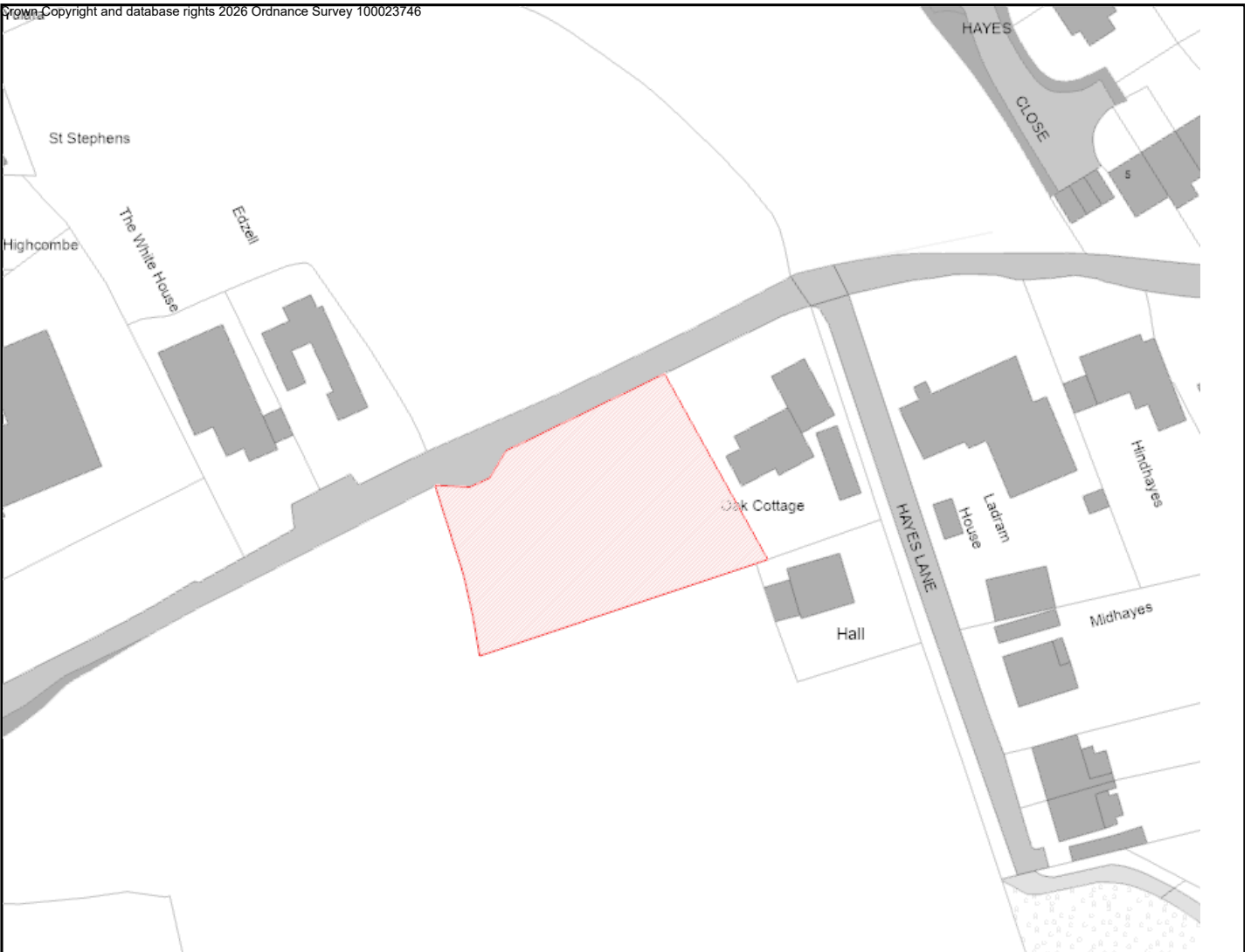
Location Land Adjacent To Oak Cottage Behind Hayes
Otterton EX9 7JQ

Proposal Erection of new 4 bedroom detached dwelling
with attached garage.



RECOMMENDATION: Approval with conditions

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		Committee Date: 10.07.2026
Budleigh And Raleigh (Otterton)	26/0201/FUL	Target Date: 15.04.2026
Applicant:	Mr & Mrs M Parkin	
Location:	Land Adjacent To Oak Cottage Behind Hayes	
Proposal:	Erection of new 4 bedroom detached dwelling with attached garage.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The proposal relates to the construction of a single four-bedroom dwelling on land adjacent to Oak Cottage, approximately 320 metres from Otterton village centre. The site lies within the countryside under the adopted East Devon Local Plan and within the East Devon National Landscape where development is restricted. The scheme therefore represents a departure from the development plan; however, as the Council cannot currently demonstrate a five-year housing land supply, there is a presumption in favour of sustainable development as set out in the NPPF.

In assessing the proposal, the report finds that the design, scale, and materials would be compatible with the character of the surrounding area and would conserve the qualities of the National Landscape. Impacts on neighbouring amenity, highways, ecology, trees, heritage assets, and flood risk are all considered acceptable, subject to conditions. While there would be some reliance on private car use—particularly due to unlit and unpaved pedestrian routes—this would be considered typical of rural village locations and results in only limited conflict with sustainable transport policies.

Overall, the identified harms, including conflict with countryside policies and minor landscape and transport impacts, are considered limited. These are outweighed by the benefits of delivering an additional dwelling and contributing to local housing supply. Applying the NPPF tilted balance, the proposal is therefore recommended for approval subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Clerk To Otterton Parish Council

New dwelling, well designed with unimpeded sky line. property to be bordered by hedges so will be shielded from the road. Approved

Technical Consultations

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

EDDC Trees

Based on information available it can be seen that there are a number of trees on site. However the majority of these trees are not considered significant constraints due to their size, form or historical management. The trees along the western and south western boundary are proposed to be retained which is considered appropriate.

I therefore confirm that I have no arb concerns but recommend a basic arboricultural tree protection plan be conditioned to ensure that the trees proposed for retention are protected during construction. A soft landscape scheme is also recommended including details of hedgerow planting and long-term maintenance.

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

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ensure that any impacts are kept to a minimum. This is available on the council's website.

Other Representations

One letter of objection has been received raising concerns for highway safety, the impacts of housing development within the National Landscape and there being no need for additional development in Otterton.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

D3 (Trees and Development Sites) Adopted

Otterton Neighbourhood Plan (Made)

Policy ONP1 (Sustainable Development)

Policy ONP3 (Protecting and Enhancing the Built Environment)

Policy ONP4 (Protecting and Enhancing the Natural Landscape)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))
Draft

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

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

ANALYSIS

Site description

The application site is located approximately a 320-metre walk from the village center of Otterton which is not afforded a built-up area boundary in the adopted EDLP. The village contains services such as a local shop, primary school and public house. The site lies adjacent to a large field which rises steeply from south-to-north. Its use is unclear and presumed to be agricultural land but does not appear to be actively farmed. The wider topography maintains its steep decline to the North meaning that the site is elevated within the street and low road being 2-3- metres below it. The road that serves the site is the unadopted, metalled road known as Behind Hayes.

The site lies directly adjacent to Oak Cottage, a detached two-storey dwelling. Across the road to the northwest are two detached dwellings known as The White House and Edzell. Directly North is a site proposed for housing allocation within the emerging local plan.

The site benefits from a National Landscape special designation as part of the East Devon National Landscape. The site is not impacted by any other designations and is within flood zone 1

The site had formerly contained a single dwelling within a large plot of land. This site was the subject of two applications; One of which was for the demolition of the dwelling and subdivision of the plot to provide two dwellings (01/P1741), this permitted scheme was not commenced. A subsequent application was submitted in 2002 (02/P2810) which proposed a single replacement dwelling. This second scheme retained a large area of residential garden that extends beyond the curtilage which forms the site of this application. This latter scheme has been implemented

Proposed development

The application seeks permission for a single, four-bedroom dwelling to be situated within the plot of land adjacent to Oak cottage. The site had previously been developed upon however, as previously described, the dwelling has since been demolished and Oak Cottage constructed.

The proposed dwelling measures approximately 7.6 metres in height and 27 metres in width, its massing would be broken down into two elements; a two-storey dwelling

house and single storey extension. The dwelling house would measure 11 metres in width and 7.4 metres in depth with a gable-end roof design running parallel to Behind Hayes. The single-storey extension would measure 16 metres in width, 11.7 metres in depth and with a ridge height of 5.5 metres that also runs parallel to the street. The roof design would be gable-end with two cross-gables projecting forward and backwards.

The proposal would introduce a large area of gravel parking to the front of the dwelling and be accessed via an existing access point that serves both the site and Oak Cottage. Two hedgerows are proposed on top of the bank at the front of the site.

Planning History

01/P1741 - Demolish Dwelling & Erect Two Dwellings & Alter Access (Outline Application) - APPROVED

02/P2810 - Demolition Of Existing & Erection Of New Dwelling & Linked Double Garage - APPROVED

07/1174/FUL - Erection of garden shed & summerhouse (amendment to planning approval 02/P2810) - APPROVED

Principle of Development

The proposed development would be located in Otterton, a settlement that is not afforded a Built-Up-Area-Boundary in the adopted local plan. Therefore, in a planning policy context, the proposal would be situated within the 'Countryside' as described within Strategy 7 of the EDLP. Development within these areas will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located and where development is specifically permitted by a local or neighbourhood plan policy. There are no policies that specifically permit the construction of a new dwelling in this countryside location and as such the proposal is a departure from the development plan.

The need for housing over the next five years is an essential consideration in planning decisions. If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

The District Council can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF and is therefore significantly short of the required figure. Paragraph 11 of the NPPF states that where a 5 year housing land supply cannot be demonstrated decision makers should apply a presumption in favour of sustainable development otherwise known as 'the tilted balance'. As the application is located within the East Devon National Landscape, this presumption will apply to the scheme unless the proposal would conflict with other national planning policy framework policies. An assessment against the relevant national policies shall be completed within this report.

Policy SP01 (Spatial Strategy) of the emerging local plan (eLP) describes Otterton as

being a 'service settlement' which is capable of accommodating 'limited development'. The eLP proposes a settlement boundary for Otterton and the site would be located within this boundary. Policy SP03 (Housing requirement by Designated Neighbourhood Area) states that Otterton will need to accommodate a minimum of 27 dwellings between 01/04/2020 - 31/03/2042. Strategic Policy SD23 allocates the land North of Behind Hayes for a housing development of 10 dwellings which is significantly short of the 27 dwellings that Otterton will need to deliver by 2042. If this development were permitted, the dwelling would contribute to Otterton's housing delivery target and aid the districts contribution to Local Housing Land-Supply. Although these policies bear little weight in decision making during the progression of this emerging plan, the proposal would align with the requirements of these policies and thus be acceptable in principle if the Regulation-19 plan is adopted.

Location

Strategy 3 (Sustainable development) and Strategy 5B (Sustainable Transport) require development to be located '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' so that development minimises fossil fuel use therefore reducing carbon dioxide emissions.

Strategy SP01 of the emerging local plan describes Otterton as a 'service village' and would therefore permit 'limited development'. While the policies within the emerging local plan carry limited weight, it does describe the village of which the development is located as being 'sustainable' which, provided the village is accessible from the site, would align with the requirements of Strategy 3 and 5B.

The application site is located some 320 metres from the centre of Otterton. The village contains bus stops, a public house, village shop, school and church. The walk to these services would take approximately 7-10 minutes which would likely be manageable for most occupiers. The journey to these services would be predominantly along unlit and unpaved roads although parts of Ropers Lane and Fore Street benefit from footpaths and street lighting. Given the limited distance to these services, it would be likely that occupiers of the dwelling would choose to walk or cycle to and from the village should weather and lighting conditions permit. Being within the village, drivers will have some expectation of walkers in the road which should affect driver behavior, it is acknowledged however that when dark occupiers are likely to travel by car.

Impact upon the character of an area and National Landscape

A site visit was conducted on 25/02/2026. During this visit it was noted that the neighbouring house types did not contain similar design characteristics. The adjacent site called Oak Lodge, for example, is designed to look like an historic farm house with thatched roof (despite its construction sometime after 2003). Directly opposite at a property called 'Edzell' is a dwelling of a more modern design with an unusual roof form.

The application site lies within the East Devon National Landscape. Section 245 of the Levelling-up and Regeneration Act 2023 places a statutory duty upon relevant

authorities to 'seek to further' the statutory purposes of the protected landscapes. Paragraph 189 of the NPPF states that great weight should be given to the conservation and enhancement of these areas and that development should be sensitively located and designed to avoid or minimise adverse impacts upon the landscape and cultural heritage.

The application proposes a two-storey dwelling of a design more typical to dwellings found within the wider area of Otterton. The single storey extension is unusual in form and scale and does appear awkward as an element attached to the dwellinghouse. With this said, given the variety of building design within its immediate vicinity, the design is not considered to have an adverse impact upon the street or wider area. The materials proposed are a mix of render and timber cladding which can be observed on dwellings such as Edzell and Oak Cottage and the scheme would therefore conserve the special qualities of the National Landscape to which it is part of. Despite the site's elevated position, the dwelling would be partially obscured by the bank that sits before it, in that the bank is steep and dramatically levels off. In addition, the scheme proposes the planting of hedgerow some 4.5 metres back from the road which would minimise the visual impact of the awkward configuration.

The East Devon and Blackdown Hills Landscape Character Assessment (LCA) categorises the landscape character as type 5D 'Estate Wooded Farmland'. The key characteristics of this Landscape type are the 'rolling hills' with 'expansive views' and 'well-managed, working countryside'. The proposal would be prominent within the immediate street scene however, its siting would obstruct view of the steeply rolling hills located directly behind it. Furthermore, and despite the large field being located directly adjacent, the proposed dwelling would be located upon a plot that resembles that of an extended garden area of domestic appearance and does not contain characteristics that would be attributed to the 'well-managed, working countryside'. Therefore, the proposal would preserve the special features of the landscape. The site currently presents itself as one that has been subject to development through the construction of a winding driveway and adjusted site levels. The siting of a dwelling with appropriate landscaping would be considered an enhancement to what currently appears as a disused plot.

The design of the proposal is acceptable and would not adversely impact the character of the street or wider area. As such, the scheme accords with Strategy 46 (Landscape Conservation, Enhancement and AONBs), 48 (Local Distinctiveness on the Built Environment) and Policy D1 (Design and Local Distinctiveness) of the EDLP and would not conflict with Paragraph 189 of the NPPF.

Residential Amenity

The application does not propose any side-facing windows. As such, no overlooking of Oak Cottage would be anticipated. The proposal would be sited within 7.4 metres of Oak Cottage however; the closest part of the building would be the single-storey element with a height of 5 metres. The proposal would be located west-by-southwest of Oak cottage meaning its impacts upon daylight would be very limited by virtue of its height and location.

The environmental health officer has reviewed the proposal and raised concerns for

amenity impacts that may arise during the construction phase. A condition has been recommended which will restrict hours of construction to reduce any such impacts. When considering the number of residential properties within the immediate vicinity of the site, such a condition shall be applied.

With a condition controlling hours of work, the proposal would align with the requirements of Policy D1 of the EDLP.

Amenity of future occupiers

The proposal would offer four bedrooms comprised of two double bedrooms and two single bedrooms. The gross internal area would measure approximately 165m² which is in accordance with the Nationally Described Space Standards for a 4- bedroom, 6- person dwelling. All rooms meet the minimum spatial requirements of this guidance and are therefore acceptable. The nearest dwelling would be 7.5 metres away. Neither the proposed dwelling nor neighbour have side facing windows therefore overlooking or loss of light will not be a concern. The proposed dwelling would benefit from generous amounts of garden space to the southwest and southern elevations.

As such, there are no concerns for the amenity of future occupiers. The proposal therefore aligns with the requirements of Policy D1 of the EDLP.

Highways

The dwelling would be accessed by Behind Hayes, an unclassified, metaled road. The application does not propose any changes to the existing access point. The access point appears well designed and provides a suitable visibility splay. It is noted that concerns have been raised relating to an anticipated increase in levels of traffic that could have the potential to disrupt the village. The application proposes four bedrooms, which would likely amount to 2-3 additional vehicles using the road. Any impacts by 2-3 vehicles would be considered small and their impact upon the wider highway network would be limited. When considering the design of the existing access point and the limited impact of the development upon the wider highway network, the proposal would not result in an unsafe and unsatisfactory operation of the local or wider highway network and therefore align with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP.

Pedestrian access and transport

The distance to the village hall and public house would be approximately 320m. This distance would increase to 400m to the nearest bus stop which affords public transport to-and-from Exmouth and Sidmouth. Pedestrian access to these services would be along two unlit and unpaved roads known as Behind Hayes and parts of Roper's Lane. These roads have been adopted by the local highways but are unclassified. Behind Hayes and Roper's Lane serve the surrounding dwellings and do not form part of any primary route to access East Budleigh, Newton Poppleford or Sidmouth, therefore traffic is generally limited to residents of the village and their visitors.

For occupiers of this proposed dwelling, access to Otterton's services can only be achieved by foot/bicycle if occupants were to travel along unlit and unpaved roads. Given the short distance between the site and Otterton Fore Street, it is likely that occupants would travel by foot/bicycle during daylight hours. During times of low light,

it is likely that the absence of pavements and street lighting would encourage occupants to access these services by car and therefore conflict with the requirements of Policy 5B.

Paragraph 110 of the NPPF states that 'sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'. In local policy terms, Otterton is located within the countryside. Therefore, the settlement would be a rural area where footpaths and street lighting would not be expected to serve every street or road yet the site would be within a similar distance to services provided by that of an urban area. It can therefore be argued that, despite a limited conflict with Policy 5B of the EDLP, that a reliance upon travel by car during hours of poor day light, would not result in a development being unsustainable.

Cycle stores

Policy TC9 (Parking Provision in New Development) sets out a requirement for new development to provide at least one bicycle storage space per dwelling. The provision of such a space would also demonstrate further alignment with Strategy 5B (Sustainable Transport). The site is large and could reasonably accommodate such a storage space. The application does not propose any bicycle storage space therefore details of bicycle storage shall be requested via condition prior to first occupation.

Trees and hedgerows

The application does not propose the removal of any trees found within the site. The district arboricultural officer has reviewed the application and does not have concerns for the impacts upon trees. This is, in part, due to their size and form which is relatively small. They have recommended a condition that will require the submission of a tree protection plan and soft landscaping scheme. When considering the semi-rural surroundings and the National Landscape designation, such conditions would be suitable as a means of preserving the character of the street and wider landscape. Subject to the application of the two conditions, the scheme would align with the requirements of Strategy 46 and Policies D1 and D3 (Trees and Development sites) of the EDLP.

Ecology

The application is supported by an ecological impact assessment. The assessment states that the proposal would not impact upon any of the districts designated sites. The proposal would not impact upon any bats or bats. There is potential for development to impact upon reptiles and amphibians. However, mitigation measures are proposed. The proposed mitigation and enhancement measures shall be conditioned to ensure alignment with Policy EN5 of the EDLP.

BNG

The application form confirms that the proposal will be a self-build development. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity

gain condition" (BG condition). Self and custom build developments are exempt from this statutory condition therefore the applicant is not obliged to provide 10% biodiversity net gain. Despite this, the applicant does propose the planting of indigenous hedgerow along the front boundary which will provide some level of biodiversity enhancement.

Habitat Mitigation - Appropriate Assessment

The site is located within the buffer zone of the Pebblehead Heaths special protection area (SPA). Without sufficient mitigation, any proposal that may affect the integrity of this designated site is subject to an appropriate assessment. The council operates a mitigation strategy through Section 111 contributions. Natural England has previously confirmed that this strategy is sufficient to avoid adverse effects upon the special protection area. A habitat mitigation payment has been made in line with the council's mitigation strategy. As such, the development can be screened out of the need for an Appropriate Assessment.

Heritage

The Otterton Conservation area boundary lies 105 metres directly North. The closest listed building would be the Grade II listed building known as 'The Old Vicarage' which lies 70 metres to the Northwest. The Old Vicarage is sited much lower than the application site and dense boundary treatments limit intervisibility between the two properties. As such, the proposal would not impact the listed building nor would the development impact the conservation area. Therefore, no concerns arise for the impacts upon heritage assets and no conflict with policies of the NPPF are anticipated.

Flood Risk and drainage

The application site is within flood zone 1 therefore no concerns arise about the impacts of flooding.

The design and access statement confirms surface water will drain into the ground and that percolation tests will be secured. It is unclear whether the ground is suitable for drainage therefore details of surface water management can be secured through a planning condition.

No details of foul drainage had been submitted however; the applicant has since confirmed that foul water will be drained to an existing main foul sewer connection. This is an acceptable means of foul sewage drainage that demonstrates alignment with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems).

Planning Balance

As the Council cannot demonstrate a 5 YHLS there is a presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF 2024 unless the application of certain policies, such as protecting the National Landscape, provides a strong reason for refusing the development. The site is located within a protected area (NL). The relevant framework policies would be paragraphs 189 and 190 which require great weight to be given to conserving and enhancing the special landscape. This

report has identified that the proposed scheme would be of a limited visual and landscape impact and would, on balance, conserve the special landscape designation. As such, the proposal would not conflict with these policies and the tilted balance would apply.

The policies within the emerging local plan bear little weight in the decision-making process however, the proposals alignment with emerging Local Plan policy SP01 and SP03 due to the dwelling being sited within a 'service village' and would be located within Otterton's settlement boundary do provide some weight for consideration.

The proposed development would be sited where it is likely that occupiers, during darker hours, would use a car to access the services available within Otterton. This reliance on car during hours of limited daylight would result in limited conflict with the requirements of Policy 5B of the EDLP. As this conflict is limited in duration, the harm is therefore limited in weight.

The harm attributed to this scheme is considered to be limited. The benefits of the scheme include the delivery of an additional dwelling and economic benefits during the construction phase. It can therefore be concluded that the anticipated levels of harm do not demonstrably outweigh the benefits of an additional dwelling, and the scheme should therefore be permitted on this basis.

CONCLUSION

The proposal conflicts with the adopted development plan by virtue of its position outside of a BUAB, and where there will be some reliance on the use of a private car. There will also be some limited adverse landscape impact. However, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of housing delivery when applying the tilted balance and as such it is recommended that the application is approved.

RECOMMENDATION

APPROVE subject to the following conditions:

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

materials, details of these materials and where so required by the Local Planning Authority, samples of these proposed external materials to be used for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

4. The development shall be carried out strictly in accordance with the recommendations found within the 'Ecological Impact Assessment', specifically with reference to sections 6 and 7, received by the local planning authority on 03/02/2026, dated 13th January 2026 and produced by Lakeway Ecological Consultancy. (Reason - To ensure that the development has no adverse effect on protected and notable species that are present in the area and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.
5. No works for the construction of the building hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08:00 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays. (Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
6. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

Details of levels;

Means of enclosure;

Boundary treatments;

Hard surfacing materials;

Planting scheme and schedule;

An implementation programme.

The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The planting scheme shall be implemented within the first planting season from the date of first occupation or completion of the development, whichever is the sooner.

(Reason – this needs to be a pre-commencement condition to ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

7. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical

1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan 2013 to 2031).

8. No development shall take place above foundation level until details of arrangements for the storage of bicycles and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved storage facilities shall be made available before occupation of the dwelling and retained thereafter.

(Reason - To ensure that early consideration is given to the provision of adequate refuse provision for the residents is in the interest of health and hygiene and to promote sustainable travel to in accordance with in accordance with Policies TC9 - Parking Provision, D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

9. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- a. No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- b. No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- c. No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

10. No external lighting shall be installed on the development hereby permitted without prior consent from the local planning authority.
(Reason - To ensure protected species are not adversely affected by artificial lighting in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)
11. The dwelling hereby permitted shall be constructed as a self-build dwelling within the meaning of self-build and custom build housing as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.
- i. First occupation of the dwelling shall be by a person or persons who had primary input into its design and layout.
 - ii. No first occupation of the dwelling shall take place until the Local Planning Authority has been notified in writing, no less than two months prior to first occupation, of the name(s) of the intended first occupier(s) and confirmation that they comply with the requirements of part (i) of this condition.

(Reason - To ensure the development constitutes self-build development eligible for exemption from the mandatory biodiversity net gain requirements, in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

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

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 4.5 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management

Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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.

Plans relating to this application:

25-1203/1	Proposed Combined Plans	03.02.26
25-1203/1	Proposed Site Plan	03.02.26
25-1203/LP1	Proposed Block Plan	03.02.26

25-1203/RP1	Proposed roof plans	03.02.26
25-1203/SS1	Sections	03.02.26
25-1203/SS2: PROPOSED	Street Scene	18.02.26

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.