

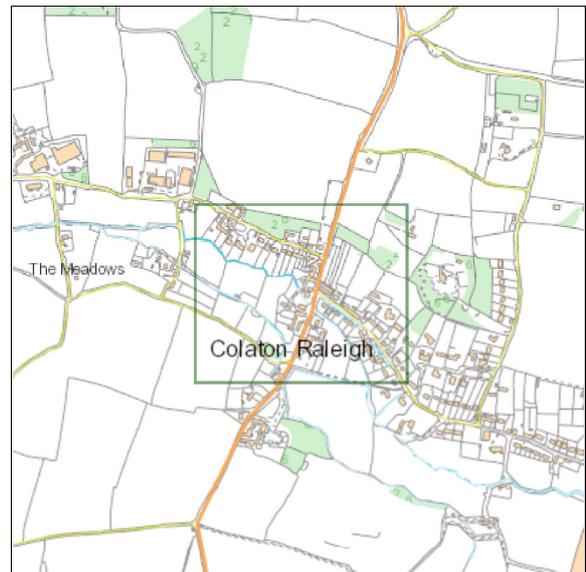
**Ward** Budleigh And Raleigh

**Reference** 19/1525/FUL

**Applicant** Mr & Mrs Eade

**Location** Pendor Exmouth Road Colaton Raleigh  
Sidmouth EX10 0HJ

**Proposal** New dwelling in the rear garden



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 29<sup>th</sup> October 2019</b>
<b>Budleigh And Raleigh (Colaton Raleigh)</b>	<b>19/1525/FUL</b>	<b>Target Date: 24.09.2019</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Eade</b>	
<b>Location:</b>	<b>Pendor Exmouth Road</b>	
<b>Proposal:</b>	<b>New dwelling in the rear garden</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of a Ward Member.**

**The application site relates to land to the rear of Pendor in Colaton Raleigh. Immediately to the south east of the application site are a pair of Grade II listed cottages. Pendor itself is an end of terrace property with an extensive garden area that slopes from north to south. The site adjoins agricultural land to the south west and, like the rest of the village, is located within the East Devon Area of Outstanding Natural Beauty. The application seeks permission for the construction of a detached open market dwelling on the land immediately to the rear of Pendor.**

**Colaton Raleigh does not have a Built-up Area Boundary and therefore, in planning terms, the application site is considered to be located in open countryside. Therefore a proposal for a new dwelling would be considered against Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031. This strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as affordable housing or a farm worker, where existing buildings are to be converted or where there is support in a Neighbourhood Plan. Whilst the application site is located in close proximity to the village shop, local employment and public transport is limited such that occupiers would be reliant upon the motor vehicle. As a result the site is in an unsustainable location with the proposal being in conflict with the development plan.**

**The design of the proposed dwelling takes a contemporary approach and in itself is considered to be acceptable.**

The application building is not considered detrimental to the amenity of residents residing at adjoining properties along Hawkerland Road. This, in addition to the presence of two large conifer trees at Becketts and the two outbuildings at Norbury, the proposed location of the dwelling would have sufficient relief from these spaces as not to cause unacceptable harm. The west elevation of the build would be visible from the south western end of Thornton's back garden. Here the two storey 'pod' of the proposal has a height of 5.8 metres. However it is considered that the amount of relief provided by the length of the garden and the level of screening provided by the adjoining neighbours conifer trees reduce the physical impact of the development to an acceptable level. The development would leave Pendor with limited rear amenity space although what remains to the front and to the rear is considered acceptable and reflects similar proportions to the adjoining property of The Cottage.

To the south of Pendor lies two Grade II listed properties of Dew cottage and 10 Quashbrook Cottage. The lack of relief combined with the ridge height of the proposed east elevation would have a degree of impact upon the setting of the listed cottages. In this instance the ridge height of the east elevation of the proposed dwelling would sit at 1.8 metres above the eaves of Dew Cottage. Whilst this relationship between the proposed dwelling and Dew Cottage would only be visible from within the southern part of the site, the harm identified through the massing of the eastern elevation in such close proximity is deemed unacceptable and fails to satisfy Policy EN9 (Development Affecting a Designated Heritage Asset).

Access to the site would be provided via a private way to the south of the site. This access and a large proportion of the site fall within Flood Zone 3. Whilst the Environment Agency has reviewed the submitted Flood Risk Assessment and consider the recommendations and available access and egress routes during times of flooding appropriate. However the pedestrian access and egress route to the south of Pendor onto Exmouth Road could, in the future, be across third party land. In the event of Pendor being sold off from the site separately a legal agreement would need to be in place to ensure the right of access along this path during times of flood is retained in perpetuity. It is anticipated that such a legal agreement could be secured. However, due to the principle of the development being unacceptable, a legal agreement to secure the right of way has not been requested. As it stands the application cannot demonstrate that the development will be safe and therefore fails to satisfy the objectives of EN21 (River and Coastal Flooding) of the East Devon Local Plan.

Due to the unsustainable location of the site in the countryside, impact upon the setting of nearby listed buildings, and the lack of a legal agreement to ensure continued access and egress in the event of flooding, the application is contrary to local plan policy and recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

13.08.2019:

Whilst it is noted that a full flood assessment has now been completed, concerns remain with regard to construction traffic and emergency vehicle access to the site during and after construction. The Parish Council would request that a robust Construction and Environmental Management Plan is put in place to overcome these issues.

#### Budleigh And Raleigh - Cllr Alan Dent

Now that a full flood assessment has been completed I am happy to support this application but with a recommendation for a condition.

This is that before any construction work starts there must be a robust and detailed CEMP in place to control traffic movements and hours of working.

The road through Colaton Raleigh is a busy one as it is one of the main routes from Exmouth to Newton Poppleford and Sidmouth.

The proposed building is to the rear of the single shop in CR and vehicles use the forecourt for parking throughout the working day. The road at this point. An be congested as traffic often has to pause to allow large vehicles to navigate the hill towards Newton Poppleford as well as Hawkerland Road.

The only other issue that raises concern is the ability of emergency vehicles to access the site as it approached by a narrow lane.

### **Technical Consultations**

#### County Highway Authority

LOCATION: Pendor Exmouth Road Colaton Raleigh Sidmouth EX10 0HJ

Observations:

The site is situated on the Exmouth Road, B3178.

The off-carriageway parking area and turning area seems adequate to accommodate up to four parking spaces and still carry out off-carriageway turning, even though this has not been specifically marked upon the plans.

I believe the addition of one extra dwelling will not create a unacceptable impact upon traffic intensification for the local highway network, therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Conservation

CONSULTATION REPLY TO  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Pendor, Exmouth Road, Colaton Raleigh.

GRADE: Adj. II APPLICATION NO: 19/1525/FUL

CONSERVATION AREA: N/A A.O.N.B.

PROPOSAL: New dwelling in the rear garden.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF  
BUILDING AND ITS SETTING:

The comments regarding the a new dwelling in a rear garden are as follows and in no particular order;

- Design - it is supported that the architectural style is "of our time". The materials are interesting and are of good quality. The proportions of the windows and footprint do not really respond to the distinctive vernacular. The design "could be anywhere".
- Boundaries - the existing boundaries of the listed buildings in particular are considered to be curtilage listed as are any associated outbuildings. The footprint of the new house is very close to these historic stone boundaries, as is the covered terrace on the Southern corner (nearest the listed buildings). On drawing number 18021-20, the plan appears to be showing the raised foundation as actually touching at this corner.
- Context - the drawings do not show the new house in context to the surrounding houses, in particular the listed cottages, which seem to be the closest anyway. From the limited information from the drawings it appears that the ridge/roof height is considerably higher than the neighbouring cottages. It will be overbearing and dominating by its massing and height. There is likely to be a lot of light spill from the large glazed walls too.
- Setting of the listed buildings - these cottages are were formally part of the Rolle estate and as such are traditional, rural in their aesthetic, scale and materials. This is where the greatest value of their significance lies. Part of this is the setting that was originally surrounded by orchards and other buildings of a similar style e.g. smithy. The associated outbuildings and the quality of the boundary treatments are of some significance too. In the immediate area the historic development follows a linear form to the North and South of these heritage assets. This leaves the open spaces to the West. These are important as they inform the narrative and add value to the aesthetic setting and interpretation of these heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

## Environment Agency

PENDOR, EXMOUTH ROAD, COLATON RALEIGH, SIDMOUTH, EX10 0HJ

Thank you for consulting us on this application.

Environment Agency position

We have no objection to the proposal.

### Reason

We have reviewed the flood risk assessment prepared by Sands (ref. 19.04.122, dated June 2019). This document demonstrates that a sequential approach can be adopted within the development site, whereby the proposed residential element can be located within Flood Zone 1 with a suitable elevation above extreme flood levels.

The assessment demonstrates that safe pedestrian access and egress routes to the property are available during flood conditions.

On the above basis, the Environment Agency do not wish to object to the proposals however the following points should be noted and considered by the emergency planners at East Devon District Council:

- Vehicular access to the property would not be available during times of flooding, with the potential for up to 0.5m depth of water on the access drive. This is likely to be short-lived (i.e. several hours), given the nature of the watercourse catchment.
- The proposed replacement parking provision for Pendor, and to a lesser degree that for the new development, falls within an area prone to flooding and an appropriate action plan should be in place to manage parking and the evacuation of vehicles during times of flooding.

## Other Representations

None

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in new development)

### National Planning Policy

National Planning Policy Framework  
National Planning Policy Guidance

### **Site Location and Description**

The application site relates to the rear garden of Pendor in Colaton Raleigh. To the south east of the application site are a pair of Grade II listed cottages.

Pendor itself is an end of terrace property with an extensive garden area that slopes from north to south. The site adjoins agricultural land to the south west and, like the rest of the village, is located within the East Devon Area of Outstanding Natural Beauty.

To the north of the site are the rear gardens of properties fronting Hawkerland Road.

### **Proposed Development**

The application seeks full planning permission for the construction of a detached open market dwelling in the rear garden of Pendor.

The proposed dwelling would have a narrow footprint taking on a rectangular form and would be located on the elevated northern part of the garden to the rear of Pendor. The proposed dwelling is largely single storey with a two storey element on the western end. This first floor 'pod' is proposed with a monopitch roof with a slight gradient. The remaining single storey element will have a flat roof. The ground floor external walls shall be finished predominantly in Purbeck stonework. Remaining areas shall be finished in timber in various shades. Immediately surrounding the dwelling would be an area of raised patio with steps down to the parking area. Windows and bi-fold doors would be grey coloured powder coated aluminium with the entrance doors being constructed of timber.

### **Relevant Planning History**

A previous application on the site (19/0333/FUL) for an almost identical proposal was withdrawn in April 2019.

### **ANALYSIS**

The main issues for consideration are:

- The principle of development
- Impact upon the character and appearance of the area
- Impact on the setting of adjoining listed buildings
- Impact on neighbouring amenity-
- Flood risk

### **Principle of Development**

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27. These towns and larger villages form focal point for development. Colaton Raleigh is not identified as a settlement that is suitable for further residential development in the Local Plan due to its lack of appropriate services and facilities. Therefore, for planning purposes, the proposal takes place within the open countryside.

Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. This particular Strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as for affordable housing or rural workers dwelling. There is no Neighbourhood Plan for Colaton Raleigh and therefore no Neighbourhood Plan Police support for an open market residential development on the site.

The application therefore proposes the construction of a dwelling in a location deemed unsustainable and without any Local Plan policy support for the principle of development. As such the proposal fails to meet the objectives set out by Strategy 7 (Development in the Countryside), Policy TC2 (Accessibility of New Development) and guidance within the National Planning Policy Framework. As such the development is considered unacceptable in principle and therefore recommended for refusal on this ground.

### **Character and Appearance of the Area**

The siting of the proposed dwelling would be located to the rear of Pendor and run adjacent to the south western boundaries of properties that front Hawkerland Road.

The immediate character of the area is predominantly residential with the exception of 'Woods' village shop and the Otter Pub on Exmouth Road. The proposed siting of the dwelling behind the existing buildings that already front the road would result in the dwelling being largely screened from public views. Despite this, filtered views of the building would be apparent at points along Exmouth Road and Hawkerland Road. However the building is largely screened by mature vegetation and existing buildings. Therefore the overall visual impact of the build is deemed to be minimal.

It is anticipated that the dwelling would be most visible from the outlook of rear first floor windows of properties along the eastern side of Hawkerland Road. From these windows, particularly from the property of Becketts, the top of the Purbeck stone and two storey 'pod' would be visible. The west elevation of the build would be visible from the southern end of Thornton's garden.

Colaton Raleigh displays a mixed character of varying architectural types of building. The palette of materials used is broad with brick, and tile featuring heavily along Hawkerland Road on 20th century properties. Exmouth Road and Church Road, display a wider range of properties dating from the 20th century and 17 century, some of which are listed, constructed of slate, timber, render and brick. As such, the village is not considered to have an overriding architectural approach that is locally distinct. Therefore, whilst purbeck stone has not been used within the wider village, the visual impact is deemed minimal when considering the proposed building's limited visual impact within the street scene and the wide-ranging use of materials within the village.

Whilst the construction of a dwelling within the back garden of a property is considered uncharacteristic of the village, the harm brought about by the development is deemed minimal. The lack of visual prominence coupled with the fact that the site is largely screened from public views to the north and east by the established building line and vegetation, results in identifying visual harm to the villages character difficult. As such, the application is considered to achieve the objectives of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan. The proposed development is therefore considered to have minimal impact upon the character of Colaton Raleigh or the wider landscape character of the East Devon Area of Outstanding Natural Beauty.

### **Heritage Impact**

To the south of Pendor lies two Grade II listed properties of Dew cottage and 10 Quashbrook Cottage. The buildings are finished in plastered cob with thatched roofs. Both cottages have 2 window fronts with 19th century casements and glazing bars. The listing suggests that the properties date from late 18th or early 19th Century. The cottages are set back from the highway and attached to a 20th century house and workshop. Policy EN9 (Development Affecting a Designated Heritage Asset) seeks to protect the setting of heritage assets and states that where proposals cause less than substantial harm, this needs to be weighed against any public benefits of the proposal.

In this case the development has been reviewed by the Conservation Officer who has raised concerns over the impact of the development upon the adjoining listed cottages.

Concerns have been raised due to the proposed dwelling's proximity with the historic boundary of the site in addition to the overall physical relationship with the cottages. The stone boundaries of the listed cottages are considered to be curtilage listed. The south-east corner of the raised patio would adjoin the north western stone boundary of the pair of listed semi-detached properties. The lack of relief combined with the ridge height of the proposed east elevation would have a degree of impact upon the setting of the listed cottages and from the outlook from the cottages.

In this instance the ridge height of the east elevation of the proposed dwelling would sit at 1.8 metres above the eaves of Dew Cottage in very close proximity. The Conservation Officer as highlighted the openness of the site adjoining Dew Cottage as being an important part of its setting and history. Building on this plot in such close proximity and at a greater height is considered to be harmful to the setting of the listed cottages.

Whilst this harm is considered to be less than substantial, the public benefit from the creation of a new dwelling in an unsustainable location, do not outweigh the harms to the listed building. As such the proposal fails to satisfy Policy EN9 (Development Affecting a Designated Heritage Asset).

### **Impact on Neighbouring Amenity**

The proposed location, orientation, scale and form of the dwelling has the potential to impact upon the amenity enjoyed by adjoining neighbours. Policy D1 (Design and Local Distinctiveness) of the Local Plan, in addition to guidance within paragraph 127 of the National Planning Policy Framework, state that planning decisions should provide a high standard of amenity for existing and future users. In this case the north elevation of the proposed dwelling would be located close to the southern boundaries of Norbury and Becketts. Additionally consideration shall also be given to the impact of the development on future occupants of Pendor.

The application has an overall width of 25.3 metres with a maximum ridge height of 6.4 metres. The majority of the build that runs parallel to Becketts and Norbury's southern boundary is single storey with a ridge height of 3.8 metres, set in slightly from the boundary such that the main bulk of the building would be screened by the existing outbuildings and large trees in these adjoining gardens. There being no windows in the rear elevation overlooking these properties.

The rear amenity space of the properties on Hawkerland Road are long and narrow at approximately 22m. This, in addition to the presence of two large conifer trees at Becketts and the two outbuildings at Norbury the proposed location of the dwelling would have sufficient relief from these gardens as not to cause unacceptable harm. The west elevation of the build would be visible from the south western end of Thornton's back garden. Here the two storey 'pod' of the proposal has a height of 5.8 metres. Again the amount of relief provided by the length of the garden and the level of screening provided by the adjoining neighbour's conifer trees, the physical impact of the development is considered to be acceptable.

Pendor currently benefits from westerly views across the northern part of the garden. Whilst the location of the building would have a degree of impact upon this outlook from first floor level, the nearest part of the build, to these windows, would be located approximately 14 metres away. Furthermore this eastern elevation does not propose any windows removing any concerns of overlooking. The development would leave Pendor with limited rear amenity space although what remains to the front and to the rear is considered acceptable and reflects similar proportions to the adjoining property of The Cottage.

### **Flood Risk**

A large proportion of the southern part of the site falls within Flood Zones 2 and 3a and as such a Flood Risk Assessment has been provided as part of the application. The proposed development will require a surface water drainage scheme. It has been explained in the FRA that, due to the majority of the site falling within Flood Zones 2 and 3a, there is not sufficient space for an infiltration based drainage. However, there is a watercourse within the site and therefore it has been proposed that storm water

drainage will be attenuated and discharged to the watercourse at a rate not exceeding the calculated greenfield run off rate. The scheme shall need to take into account the impact of climate change and be based on the 100-year Design Storm Hydraulic Model. This is considered to be acceptable.

The proposed dwelling will be located in Flood Zone 1, it will be located adjacent to Flood Zone 3. The submitted FRA has taken the dwellings location near the flood zone and made various recommendations. Mitigation measures include;

- Electric services 900mm above ground floor level.
- Heating and ventilation 900mm above ground floor level.
- Ground floor construction will comprise of suspended beam and block floor.

The Environment Agency has reviewed the submitted FRA and state that the residential unit is located within Flood Zone 1 with suitable elevation above extreme flood levels. During these extreme flooding events it has also been demonstrated that safe pedestrian access and egress routes to the property are available during flood conditions. It has been highlighted that during times of flooding vehicular access to the site would be unavailable. The area of parking is also located within an area prone to flooding. An informative would be attached to any subsequent permission recommending that an appropriate action plan should be in place to manage parking and the evacuation of vehicles during times of flooding.

The Planning Practice Guidance indicates that access and egress are important considerations in the event of a flood and must be designed to be functional for changing circumstances over the lifetime of the development. In this case, as indicated within the FRA, pedestrian access and egress can be achieved through a footpath to the south of Pendor onto Exmouth Road during emergencies. However, in the event of Pendor being sold off from the site separately a legal agreement would need to be in place to ensure the right of access along this path during times of flood is retained in perpetuity. It is anticipated that such passage could be secured through a Section 106 Agreement. However, due to the principle of the development being unacceptable, a legal agreement to secure the right of way has not been secured. In this case a condition to secure safe access and egress during times of flooding is not considered enforceable as Pendor is anticipated to be sold off separately if planning permission were to be granted. A legal agreement is considered to be the only effective way to ensure that the walkway to the south of Pendor is kept clear and that the occupants of the proposed dwelling have right of way over this land. As it stands, in the absence of a legal agreement, the application cannot demonstrate that the development will be safe and therefore fails to satisfy the objectives of EN21 (River and Coastal Flooding) of the East Devon Local Plan.

### **Habitat Regulation Assessment**

The nature of this application and its location close to the Exe Estuary and Pebbled Heaths requires a Habitat Regulations Appropriate Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations and details any 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 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. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are work 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 and is acceptable without any further mitigation.

### **Other Matters**

The site shall be accessed off Exmouth Road immediately to the south of Woods Shop. The access road meanders behind Woods and adjacent to a parcel of agricultural land owned by the applicant to the north. The Devon County Highways Team have reviewed the application and have raised no objection.

The planning application indicates the provision of two parking spaces in addition to the two existing spaces allocated for Pendor. As such the proposal complies with Policy TC9 of the Local Plan.

### **CONCLUSION**

The application site relates to land to the rear of Pendor in Colaton Raleigh. The application seeks permission for the construction of a detached open market dwelling on the land immediately to the rear of Pendor.

Colaton Raleigh does not have a Built-up Area Boundary and therefore, in planning terms, the application site is considered to be located in open countryside. Strategy 7 (Development in the Countryside) of the East Devon Local Plan restricts new housing development in the countryside to those circumstances where there is an essential need, such as affordable housing or a farm worker, where existing buildings are to be converted or where there is support through a Neighbourhood Plan Policy. Whilst the application site is located in close proximity to the village shop, there are limited local employment and public transport links, and as such this is considered insufficient to outweigh the conflict with the development plan and harm that would be caused to the overall development strategy of the Local Plan. There being no Neighbourhood Plan for Colaton Raleigh.

The design of the proposed dwelling takes a contemporary approach and in itself is considered to be acceptable.

The application building is not considered detrimental to the amenity of residents residing at adjoining properties along Hawkerland Road.

To the south of Pendor lies two Grade II listed properties of Dew cottage and 10 Quashbrook Cottage. The lack of relief combined with the ridge height of the proposed east elevation would have a degree of impact upon the setting of the listed cottage

Dew Cottage in particular. In this instance the ridge height of the east elevation of the proposed dwelling would sit at 1.8 metres above the eaves of Dew Cottage. Whilst this relationship between the proposed dwelling and Dew Cottage would only be visible from within the southern part of the site, the harm identified through the massing of the eastern elevation in such close proximity is deemed unacceptable and fails to satisfy Policy EN9 (Development Affecting a Designated Heritage Asset). The harm is not outweighed by any significant public benefits.

Access to the site would be provided via a private way to the south of the site. This access and a large proportion of the site fall within Flood Zone 3. Whilst the Environment Agency has reviewed the submitted Flood Risk Assessment and consider the recommendations and available access and egress routes during times of flooding appropriate. However the pedestrian access and egress route to the south of Pendor onto Exmouth Road could, in the future, be across third party land. In the event of Pendor being sold off from the site separately a legal agreement would need to be in place to ensure the right of access along this path during times of flood is retained in perpetuity. It is anticipated that such a legal agreement could be secured. However, due to the principle of the development being unacceptable, a legal agreement to secure the right of way has not been requested. As it stands the application cannot demonstrate that the development will be safe and therefore fails to satisfy the objectives of EN21 (River and Coastal Flooding) of the East Devon Local Plan.

Due to the unsustainable location of the site in the countryside, impact upon the setting of nearby listed buildings, and the lack of a legal agreement to ensure continued access and egress in the event of flooding, the application is contrary to local plan policy and recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The application proposes new residential development in open countryside. Strategy 7 of the East Devon Local Plan states that development within the open countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. In this case there is no Local Plan Policy or Neighbourhood Plan Policy that would support the proposal and as such the proposal would result in a new dwelling in the Countryside remote from a range of services and facilities reliant upon the use of motor vehicles. As such the proposal represents unsustainable development contrary to Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan.
2. In the absence of a legal agreement, the Local Planning Authority is not convinced that safe access and egress of the site can be achieved during times of flooding. As such the application is considered to be contrary to Policy D1 (Design and Local Distinctiveness), EN21 (River and Coastal Flooding) and the Planning Practice Guidance.

3. The proposed dwellings scale, footprint, orientation and mass is considered to represent development harmful to the setting and therefore significance of the adjoining Dew Cottage. Whilst this harm is less than substantial, the public benefits from providing an additional dwelling in an unsustainable location do not outweigh the harm. Therefore the application is considered contrary to Policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013 – 2031 and guidance within the NPPF.

#### 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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

##### Plans relating to this application:

18021-SL Rev A	Location Plan	11.07.19
18021-21	Proposed Floor Plans	11.07.19
18021-22	Proposed Floor Plans	11.07.19
18021-23	Proposed roof plans	11.07.19
18021-24	Proposed Elevation	11.07.19
18021-25	Proposed Elevation	11.07.19
18021-26	Proposed Elevation	11.07.19
18021-27	Proposed Elevation	11.07.19

##### List of Background Papers

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