
Appeal Decision

Hearing held and site visit made on 17 January 2017

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2017

Appeal Ref: APP/U1105/W/16/3152976

**Weeks Farm, Road from Talaton Cross to Beacon Cross, Talaton, Devon
EX5 2RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mrs M & W Broom & Adams against the decision of East Devon District Council.
 - The application Ref 15/2239/MOUT, dated 28 September 2015, was refused by notice dated 23 December 2015.
 - The development proposed is described in the application form as 'construction of 25 dwellings and 20 space car park for village hall (outline application discharging means of access only)'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made at the hearing by East Devon District Council against Mrs M & W Broom & Adams, which is the subject of a separate decision.

Preliminary matters

3. The application was made in outline with details of appearance, landscaping, layout and scale reserved (the 'reserved matters'). Access was the only detailed matter fixed for determination as part of this appeal. As such the associated plans are illustrative of the development proposed, other than in so far as they relate to access and to the current features of the appeal site.¹
4. Part of the hearing was given over to clarifying the precise nature of the development proposed, a matter which I will return to subsequently. However at this stage I would note that Mr Milverton, acting on behalf of the appellants, clarified that in relation to the proposal for 25 homes in total, 15 are now intended to be affordable as defined in Annex 2 of the National Planning Policy Framework (the 'Framework'). This position supersedes the schedules of

¹ Being plans 1604/sk04 REV. B, 1604/sk 11.

accommodation given within associated plans 1604/sk04 REV. B and 1604/sk 11, which indicate a different level of affordable housing provision.

5. The Council cited within their decision notice that the proposal would conflict with various saved policies of the East Devon District Local Plan adopted originally on 19 July 2006 (the 'District Plan'). However these policies have now been superseded by the East Devon Local Plan 2013 – 2031 adopted on 28 January 2016 (the 'Local Plan'). The Council's Community Infrastructure Levy (CIL) also became effective on 1 September 2016. All parties had the opportunity to comment on this changing policy context at appeal. I have therefore determined the appeal in accordance with the development plan unless material considerations indicate otherwise.
6. This appeal follows two previous appeals for housing development at Weeks Farm which were dismissed on 24 August 2015 (the '2015 appeals').² Two further unsuccessful appeals for housing development within the Parish of Talaton have also been brought to my attention at Lees Farm and Newtown.³ The appellants have further highlighted several legal judgements in support of their case.⁴ Whilst I have determined the proposal before me on its particular merits, I will refer to these appeals and judgements in so far as they have a bearing upon the planning considerations relevant to this appeal.

Clarification of development proposed

7. Given the ambiguity in the information submitted at appeal, it is essential to clarify the precise nature of the development proposed, chiefly in respect of the number and mix of market and affordable homes. The appellants referred in this context to the judgement handed down in *Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Anor* ('Wheatcroft').⁵
8. The appellants contend with reference to *Wheatcroft* that it would be appropriate for me to consider a proposal for less than the 25 homes stated in the submitted application. *Wheatcroft* establishes that there is a planning judgement to be made as to whether or not an amended proposal is substantially different from that which was originally applied for, with the main consideration in this respect being 'whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development the opportunity of such consultation'.
9. The draft unilateral undertaking dated December 2016 submitted by the appellants, which I shall return to subsequently, makes provision for a certain level of affordable housing in the event that permission is granted for a scheme of 15, 18 or 25 homes. A letter on behalf of the appellants to the residents of Talaton dated 10 October 2016 (the 'letter to residents') explains that the proposal is for '18 – 25 homes'. The proportion of affordable housing stated

² Ref APP/U1105/A/14/2223944 and APP/U1105/A/14/2223948.

³ Ref APP/U1105/W/14/3001269 and APP/U1105/A/14/2215929 respectively.

⁴ *Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Anor*. [1982] JPL, *Wychavon District Council v Secretary of State for Communities and Local Government & Anor* [2016] EWHC 592 (Admin), *Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anor* [2016] EWHC 571 (Admin).

⁵ [1982] JPL. 37.

therein in respect of a 25 home scheme is different to that which is now proposed, or that given within the application form.⁶ No reference is made within the information before me to a scheme of less than 15 homes.

10. These differences in the number and mix of houses proposed are not specifically addressed within the appellants' planning statement supporting the original application or within their appeal statement. Indeed much of the evidence before me relates solely to a 25 home scheme. Paragraph 2.5 of the appellants' appeal statement indicates that this would be 'the lowest number of houses which can meet the needs [in the village]', which in turn refers to the appellants' Viability Assessment which is ostensibly calculated on the basis of 25 homes.⁷
11. It was established at the hearing that the proposed provision of a 20 space car park for the village hall should not be accorded weight in favour of the proposal, the appellants explaining that its provision would be discretionary. However within the information before me various different approaches are proposed in this respect including whether the car park would be provided in full, land alone given over for this purpose, or indeed no provision made on account of the Council's adoption of CIL.⁸
12. In this context a number of local residents expressed confusion as to the nature of the development proposed within representations made in relation to the appeal notification and at the hearing. Indeed from the information before me it does not appear that schemes for 15 or 18 homes were publicised in line with the relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
13. Therefore having taken account of relevant case law, the significance of and the manner in which different proposals to that which was originally applied for have emerged in this particular case, I cannot reasonably conclude that to consider a proposal for 15 or 18 homes, or fewer, in this appeal would be appropriate. To do so would in my view clearly deprive those who should have been consulted on any revised scheme or schemes the opportunity of such consultation based on a clear understanding of development proposed. Consequently I have determined the proposal on the basis that permission is sought for 25 homes, other than in so far as it is necessary to refer to alternative proposals for the sake of comprehensiveness.

Main issues

14. The main issues in this appeal are whether or not:

- 1) the appeal site is an appropriate location for the development proposed, having regard to local and national planning policy,
- 2) adequate provision has been made for foul drainage,

⁶ 12 affordable homes, 15 affordable homes, and 10 affordable homes respectively.

⁷ Document Ref JFM/004.

⁸ With reference to the description of development within the application form, paragraph 17.3 of the appellants' appeal statement, and the letter to residents respectively.

- 3) the benefits of the proposal would outweigh any harm that would result.

Reasons

Location

15. The appeal site is part of a field located to the south-west of the main built form of Talaton. Physically and visually it therefore represents part of the rural setting of the village, which is subject to no specific landscape designations relevant to this appeal.
16. Talaton has a small shop, public house, church and village hall. Nevertheless the future occupants of the dwellings proposed would need to travel further afield to access services and facilities catering for many day-to-day needs such as shops, schools, employment opportunities and health care services. This was affirmed by the comments made by several local residents at the hearing.
17. Whilst there are bus stops relatively nearby the appeal site, it appears that the area benefits from only intermittent bus services to more populous areas such that they cannot be relied upon in preference to the use of private vehicles.⁹ I accept that it may be possible to walk or cycle to the settlements of Whimble or Feniton, and that many residents of Talaton commute some distance for work.
18. Although Whimble and Feniton host a broader range of services and facilities and are served by train stations, both are located approximately 2 miles distant from the appeal site and therefore significantly beyond a convenient walking distance. The walking or cycling route that must be taken to reach either is via narrow winding roads commonly enclosed by Devon banks and often without dedicated footways or lighting. Consequently walking or cycling is unlikely to meaningfully reduce the significant uplift in private car use that would result from residential development within the appeal site.
19. Strategy 1 'Spatial Strategy for Development in East Devon' of the Local Plan sets a minimum housing requirement of 17,100 homes over the plan period for the District and guides such development primarily to the seven main towns within East Devon. Strategy 27 'Development at the Small Towns and Large Villages' of the Local Plan identifies a further 15 settlements that will have a built-up area boundary defined by the emerging East Devon Villages Development Plan Document (the 'emerging DPD'), and are consequently appropriate locations for some level of development.
20. Talaton is not identified within Strategy 27 of the Local Plan, and there is no built-up area boundary proposed for the village in the emerging DPD.¹⁰ I also note that the built-up area boundary set via the former District Plan here did not encompass the appeal site. My attention has also been drawn in this context to the Council's Small Towns and Villages Sustainability Assessment 2013, dated July 2013 (the 'SA').

⁹ A finding consistent with that of the inspector who determined the 2015 appeals.

¹⁰ Notwithstanding that the Council are of the view that the weight that may be accorded to the latter, on account of its current stage of preparation, is very limited.

21. The SA has informed Strategy 27 of the Local Plan by assessing the sustainability of rural settlements in East Devon based on several metrics. Talaton is ranked number 32 of 42 settlements in terms of its overall sustainability. This further indicates that it falls significantly short of other settlements regarding its suitability for significant levels of development.
22. Strategy 7 'Development in the Countryside' of the Local Plan establishes that outside of built-up area boundaries, i.e. in the countryside, development will only be permitted where 'it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development...'. No neighbourhood plan is currently being prepared for Talaton. The appellants furthermore accepted during the hearing that a 25 home scheme would not be permissible as an exception site via Strategy 35 'Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries' of the Local Plan as Strategy 35 limits such development to 'up to or around 15 dwellings'. This is a position with which I concur.
23. Strategy 34 'District Wide Affordable Housing Provision Targets' establishes that a certain proportion of residential development within East Devon must be affordable housing, dependent on the location of a proposal and its viability. The proposal to which this appeal relates intends to provide in excess of 50 per cent affordable housing as required in this area by Strategy 34.
24. However, Strategy 34 of the Local Plan follows Strategies 1, 7 and 27 numerically and logically. It establishes the Council's expectations in respect of appropriate affordable housing provision where development is otherwise compliant with the spatial approach in the Local Plan. This includes Policy TC12 'Accessibility of New Development' which requires that new development should be located so as to minimise the need to travel by car. Strategy 34 does not lend support to proposals irrespective of their location even if the relevant proportion of affordable housing would be achieved.
25. I acknowledge that the Framework seeks to boost significantly the supply of housing, to support thriving rural communities, and recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.¹¹ However it must be read as a whole, and considered in this light it is clear that the support accorded to housing in rural areas is not at the expense of appropriately located development.
26. The Framework further sets out that planning must be genuinely plan-led and that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.¹² This is the approach of the Local Plan at a strategic level, which must necessarily have been consistent with national policy in order to have been found sound.¹³
27. The proposal would result in a significant number of homes in a location that has limited services and facilities and which has been identified through the SA

¹¹ Including at paragraphs 47, 17 and 29.

¹² Including at paragraph 17.

¹³ With reference to paragraph 182 of the Framework.

as unsuitable for significant levels of additional development. In turn, and given the particular surrounding context of Talaton, this would result in a substantial and unacceptable increase in private vehicle usage. Therefore for the above reasons I conclude that the appeal site is not an appropriate location for the development proposed and that substantial environmental harm would result.

28. The proposal therefore conflicts with the approach in strategies 1, 7, and 27 of the Local Plan, the relevant provisions of policy TC12 thereof, and with relevant elements of the Framework. My finding here is essentially consistent with that arrived at by the inspectors in the 2015 appeals and the Lees Farm appeal in this regard, to which I referred specifically during the hearing.

Foul drainage

29. Policy EN19 'Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems' does not permit development unless it is served by suitable foul sewage treatment of adequate capacity and design. South West Water made representations in respect of the application to the effect that the construction of more than 10 dwellings within the appeal site would require 'the developer/applicant to fund' investigation to establish existing foul drainage capacity, and associated improvements if required.
30. Whilst there is limited underlying evidence before me in respect of South West Water's position, the appellants do not dispute that investigation is required and that measures to support the additional foul drainage demands of the proposal may be necessary. During the hearing the appellants clarified that a provisional sum of £50,000 had been assigned for these purposes within the Viability Assessment.
31. However there is no information before me to establish definitively whether the funding referred to by South West Water would need to be given over to them or another organisation to put in place improvements, or rather whether this cost would be born directly by the appellants or developer. In the former scenario, the revised unilateral undertaking dated 8 February 2017 does not explicitly enable the transfer of funds in this respect.¹⁴ Moreover in either scenario there is no robust information before me to determine whether the provisional sum allocated in this respect would be sufficient.
32. I have considered whether a condition could legitimately be imposed requiring that an approved drainage scheme is implemented before a certain level of uplift results from the proposal, with reference to the approach in the Planning Practice Guidance (the 'Guidance').¹⁵ The inspector who determined the 2015 appeals found that such a condition would have been appropriate based on the information before him.
33. However there is limited information before me as to the evidence that was before that inspector in respect of this issue, including in relation to the extent of such works, their cost or their timing, and no specific reference to funding is made within the 2015 appeal decisions. The Guidance further sets out that only in 'exceptional circumstances' may a negatively worded condition requiring a

¹⁴ Notwithstanding that this element of the undertaking emerged after the hearing.

¹⁵ In particular Guidance Reference ID: 21a-009-20140306.

planning obligation or other agreement to be entered into before certain development can commence be considered appropriate in the case of 'more complex and strategically important development'.¹⁶ The appellants confirmed during the hearing that the development proposed by this appeal cannot reasonably be described as such, a view with which I agree.

34. Therefore on the balance of the information before me I am not satisfied the provisional funding identified by the appellants would be adequate to address matters of foul drainage. I am also not satisfied that a condition would be an appropriate mechanism to secure the transfer of necessary funding to effect upgrades to foul drainage capacity in the event that this would need to be undertaken by another party.
35. I must therefore conclude that adequate provision has not been made for foul drainage. Consequently the proposal fails to comply with the relevant provisions of policy EN19 of the Local Plan.

Benefits and harm

36. Whilst it has been established above that the proposal does not comply with Strategy 35 of the Local Plan, the considerations in respect of housing needs and viability, which were discussed during the hearing including with reference to Strategy 35 and to a scheme of 15 or 18 dwellings, remain material considerations with a bearing on the overall balance of whether the proposal is appropriate. I therefore now consider these matters in turn.
37. Paragraph 16.29 of the Local Plan sets out that the Parish of Talaton is grouped with that of neighbouring Whimble 'for assessing housing needs', and that 'for affordable housing in rural areas account will be taken of the specific need within the Parish in which the application land is sited and in addition regard will also be paid to the need in surrounding Parishes'.
38. In this context the appellants have drawn my attention to a document entitled Parish of Talaton Local Housing Needs Report ('the Needs Report').¹⁷ Whilst this identifies a need for 9 affordable homes within the Parish, the Needs Report establishes that it should 'remain relevant for at least 3 years subject to significant changes in the condition of the housing market'. We are well beyond that 3 year period, and during this time the Council has adopted the Local Plan, both factors qualifying the continued currency of the Needs Report.
39. Subsequent to the Needs Report permission was granted by the Council for 6 affordable homes within the Parish of Talaton in April 2014.¹⁸ I accept that this development has not yet been commenced. However permission remains extant, and there is a letter before me from the applicant, Badger Homes Ltd., which sets out their intention to resolve the legal matters which have delayed commencement and to implementing the permission.¹⁹ The delivery of these

¹⁶ Reference ID: 21a-010-201040306.

¹⁷ Prepared by the Community Council of Devon, dated 2008.

¹⁸ Permission Ref 10/1792/FUL.

¹⁹ Correspondence entitled 'Re – Development at Lees Meadow Close Talaton' dated 13 January 2017 from Michael J. Oram on behalf of Badger Homes Ltd.

homes is therefore more than a theoretical possibility, which further tempers the extent to which the Needs Report may be relied upon as up to date.

40. I acknowledge that there is also some need for affordable housing within the neighbouring Parish of Whimble.²⁰ However the appellants' document entitled Affordable Housing Statement,²¹ conversely sets out that engagement with a representative of the Devon Rural Housing Association in 2013 indicated that 'substantive affordable housing had been delivered in Whimble'. The Council further cited during the hearing in this context, and the appellants did not dispute, that 11 affordable homes have been delivered since 2008 or are being developed within the Parish of Whimble.
41. The appellants have brought to my attention a summary of public consultation events undertaken in 2013 related to the 2015 appeals.²² This indicates certain preferences of local residents in respect of their support or opposition to a proposal of 10 or more houses within the appeal site and in respect of the size and type of homes perceived to be needed in Talaton.
42. However this summary sets out that a central question asked via the consultation exercise was 'to what extent people would be willing to support the prospect of more housing than 10 to obtain such [community] facilities'. The premise of this consultation was therefore related to a former proposal for development which is significantly different to that in this appeal. For this reason, and as the questions within the questionnaire appended to this summary relate chiefly to matters of preference rather than to evidence of needs, I cannot accord the findings of the 2013 consultation significant weight.
43. More broadly, the Council acknowledge that their Strategic Housing Market Assessment work supporting the Local Plan indicates a need for 292 affordable homes a year in East Devon, and that delivery of affordable housing has previously fallen short of the trajectory within the Local Plan.²³ The Council also accept that there is a significant fallout rate between consents granted for affordable housing in the District and that which is delivered.²⁴ It also does not appear to be disputed, on account of demographic trends and house prices, that there is a need for smaller market homes in the area.
44. On the basis of the evidence before me there is clearly a present need within east Devon and Talaton for affordable and market housing, notwithstanding that there is insufficiently robust evidence before me to precisely quantify the extent of such needs locally. However, and of critical significance, is that the appellants do not dispute that the Council is currently able to demonstrate a five year supply of deliverable housing sites against housing needs in

²⁰ The appellant refers to an 'outstanding need for at least 26 affordable units since 2008' in the draft statement of common ground advanced at appeal, notwithstanding that no agreed statement of common ground was before me at the hearing.

²¹ Dated 28 September 2015 annexed to the appellant's statement of case under reference JFM/0012.

²² Document entitled 'Talaton – land to the West of Weeks farm, Talaton. Public consultation exercise. Undertaken by John Milverton MA MRTPI'. For the avoidance of doubt this is the document referred to in paragraph 6.0 of the appellant's appeal statement and appended thereto under reference JFM/016.

²³ With reference to East Devon Local Plan examination, further evidence paper of East Devon District Council - August 2015 – Housing trajectory, which was presented at the hearing.

²⁴ With reference to East Devon District Council Paper for Local Plan Examination – Topic Paper Number 2 – Affordable Housing – January 2014, which was also presented at the hearing.

accordance with paragraph 49 of the Framework.²⁵ This is a significantly different situation to the 2015 appeals, where at that juncture the inspector concluded that the Council could not demonstrate a five year land supply.

45. The appellants make the case at section 18.1 of their appeal statement that 'the viability modelling shows that a smaller scheme [than 25 homes] would not be viable'. This reaffirms my position as set out in paragraph 13 of this decision, given that it compromises the arguments made in support of a scheme for fewer homes.
46. Notwithstanding the above, the Viability Assessment appears to contain an error in that calculations therein are based on 24 rather than 25 homes. Moreover it shows that the proposal would be marginally unviable, with a loss predicted of £59,142. Whilst it may be possible to identify funding to redress this deficit, there is no robust evidence before me of the likelihood or timing of this. Therefore, I am not satisfied that the proposal would in actuality deliver the homes that it intends to.
47. The appellant has submitted a copy of a signed unilateral undertaking dated 8 February 2017, following the close of the hearing. This incorporates amendments pursuant to the Council's comments of 12 January 2017 and discussion at the hearing. However references to starter homes are maintained within it, whereas within the hearing it was agreed between the main parties that this element should be omitted owing to the absence of a clear legal definition of starter homes at present.
48. Nevertheless there is no dispute between the parties that, if suitably amended and executed correctly, the undertaking would give effect to the provision of the level of affordable housing now proposed. This is a position with which I concur, having taken into account the relevant requirements of policy and legislation based on the information before me.²⁶ Therefore that the undertaking before me has issues that would require addressing, this has not affected the weight that I have accorded to the benefits of the proposal in respect of affordable housing provision.
49. The proposal would therefore if implemented amount to a notable addition to market and affordable housing stock. However the benefits in terms of housing supply would be numerical rather than in respect of appropriately located dwellings. In any event development here is not required to support the Council's five year housing land supply.
50. The proposal would also have some social and economic benefits in supporting employment during construction and as future residents would make use of nearby services and facilities. However the encouragement given with the Framework to boosting significantly the supply of housing does not override the need to consider the approach in the Framework as a whole, which is that the

²⁵ With reference to the Council's document entitled Housing monitoring update to 31 March 2016, dated October 2016, which indicates at paragraph 4.7 that the Council is able to demonstrate a housing land supply amounting to approximately 5.80 years.

²⁶ Including paragraph 204 of the Framework and relevant provisions of The Community Infrastructure Levy Regulations 2010 as amended.

planning system should contribute to the achievement of sustainable development, i.e. seeking economic, social and environmental gains jointly and simultaneously (notwithstanding that gains in all these respects may not practicably be achievable).

51. For the above reasons, and notwithstanding that there is clearly some level of need locally and more widely for appropriate market and affordable housing, the benefits of the proposal cannot be accorded more than moderate weight. This is not only on account of the limited evidence before me quantifying local needs and establishing development viability, but also as it is not disputed that the Council are able to demonstrate a five year land supply of deliverable housing sites.
52. Considered collectively I therefore conclude that the benefits of the proposal do not outweigh the substantial environmental harm that I have identified would result in respect of the first main issue in this appeal. Whilst I have also identified that the proposal would fail to comply with the relevant provisions of policy EN19 of the Local Plan this does affect the conclusion reached in respect of this main issue; in any event the proposal would not be appropriate given my finding on the first main issue having taken into account the benefits of the proposal.

Other matters

53. In reaching a decision on the merits of the development proposed, I have noted the concerns raised by many nearby residents in relation to the potential effects of the proposal on the character and appearance of the area, the living conditions of occupants of nearby properties, highways, flooding, ecology and habitats. Some of these matters would be addressed via applications for reserved matters, and others could be addressed by conditions or through CIL receipts if the proposal were otherwise acceptable.
54. Consequently neither the evidence before me nor my site visit observations leads me to a different position to that of the Council in these respects, namely that the proposal would not inherently be unacceptable with regard to these matters. Nevertheless that the proposal would not be unacceptable in these respects is effectively neutral in the planning balance rather than carrying weight in favour of the proposal.
55. Briefly summarised, Mr Milverton explained at the hearing on behalf of the appellants, with reference to the case law referred to above, that in his view the presumption in favour of sustainable development set out in paragraph 14 of the Framework operates generally rather than in the specific circumstances defined by that paragraph. Therefore the appellants aver, notwithstanding that the existence of a demonstrable five year supply is not disputed, permission should only be refused if the adverse effects of the proposal significantly and demonstrably outweigh the benefits.
56. However paragraph 23 of the judgement handed down in *Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anor* cited by the appellants explains that 'paragraph 14 [of the Framework]

teaches decision makers how to decide whether the proposal, if approved, would constitute sustainable development’.

57. Therefore with reference to the first bullet point of paragraph 14 in respect of decision taking, I have established above that the proposal does not comply with relevant provisions of the development plan. Turning to the second bullet point of paragraph 14 in respect of decision taking, policies relevant to the appeal within the Local Plan are neither absent nor silent. That the existence of a five year land supply is not disputed means that relevant policies for the supply of housing should not be considered out-of-date with reference to paragraph 49 of the Framework.
58. Therefore the balancing exercise considering the harm relative to the benefits of the proposal above stands without the necessity of considering whether the adverse impacts of the proposal would ‘significantly and demonstrably’ outweigh the benefits. Nevertheless, and for the avoidance of doubt, given the substantial harm that would arise and the moderate weight that I have found can be accorded to the benefits of the proposal, even were the provisions of paragraph 14 of the Framework to apply, the adverse impacts of the proposal would in my view significantly and demonstrably outweigh the benefits.
59. For the sake of comprehensiveness I would return to the Wheatcroft judgement here. The inspector who determined the appeal to which the Wheatcroft judgement relates refused permission for development comprising approximately 420 dwellings on 35 acres of land, however also concluded that were the proposal instead for 250 dwellings on 25 acres of land that planning permission should be granted.
60. In the light of the above, the circumstances in this case are therefore materially different to those engaged in Wheatcroft. Strategy 35 requires that for an exception site to be permissible there must be ‘a proven local need demonstrated through an up to date robust housing needs survey’ and that the ‘affordable housing need in any given locality would not otherwise be met’. In the light of my findings in respect of housing needs and viability above, I cannot reasonably conclude that either of these requirements of Strategy 35 would be met by a scheme of 15 or 18 homes based on the information before me.

Conclusion

61. For the above reasons, and having taken into account all other matters raised, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development, and I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

John Milverton

John Milverton Planning

FOR THE LOCAL PLANNING AUTHORITY

Darren Roberts

Principal Planner

Paul Golding

Planner

INTERESTED PERSONS

Harry Black

Local resident

P N Bowden

Local resident

Colin James Harris

Local resident

Bryony Higgs

Local resident

Cllr Don Higgs

Talaton Parish Council

Cllr Patricia Lenehan

Chairman, Talaton Parish Council

A Peters

Local resident

Dr Carolyn Sanders

Local resident

Mark Sanders

Local resident

Robert Henry Sanford

Local resident

Patricia Smith

Local resident

DOCUMENTS

1. East Devon District Council notification of date, time and place of hearing, dated 8 December 2016.
2. East Devon Local Plan examination, further evidence paper of East Devon District Council - August 2015 – Housing trajectory.
3. East Devon District Council Paper for Local Plan Examination – Topic Paper Number 2 – Affordable Housing – January 2014.
4. Correspondence entitled 'Re – Development at Lees Meadow Close Talaton' dated 13 January 2017 from Michael J. Oram on behalf of Badger Homes Ltd.
5. Document entitled 'Talaton – land to the West of Weeks farm, Talaton. Public consultation exercise. Undertaken by John Milverton MA MRTPI'. For the avoidance of doubt this is the document referred to in paragraph 6.0 of the appellant's appeal statement and appended thereto under reference JFM/016.
6. Appeal decision Ref APP/U1105/A/14/2215929.
7. Transcript of East Devon District Council's application for a partial award of costs against Mrs M & W Broom & Adams given verbally during the hearing.
8. Apologies for absence from the hearing via correspondence dated 16 January 2017 from local residents Mr D R Evans, Mrs R E Evans and Master M Evans.