
Appeal Decision

Site visit made on 13 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/U1105/W/24/3347347

Land at Branscombe Farm, Ebford Lane, Ebford, Devon EX3 0QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mulberry Architectural Services against the decision of East Devon District Council.
 - The application Ref 24/0110/FUL, dated 16 January 2024, was refused by notice dated 22 April 2024.
 - The development proposed is demolition of existing structures and erection of two dwellings, garages, improvements to existing vehicular access, hardstanding, landscaping and all associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published following the submission of the appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document. I sought the views of the main parties on the implications of the revised national planning policy for their respective cases and have taken these into account in making my decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is in a sustainable location, in particular with regards to accessibility by means other than a private vehicle;
 - The effect of the proposal upon the character and appearance of the area; and
 - Whether the proposal would cause harm to Rose Cottage, a designated heritage asset.

Reasons

Location

4. Strategies 1 and 2 of the East Devon Local Plan (EDLP) seek to focus new residential development to the identified seven main towns, with development in identified smaller towns, villages and other rural areas only supported where it meets local needs. Ebford is not a settlement identified under these policies and as such, the appeal site lies on land identified as countryside.

5. Strategy 7 of the EDLP identifies that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. Policy CSG1 of the Clyst St George Neighbourhood Plan (NP) identifies that development is supported where, amongst other things, it can be demonstrated that it contributes to the sustainability of settlements and communities.
6. Strategy 5B of the EDLP requires development to contribute to the objectives of promoting and securing sustainable modes of travel and transport, be at locations where it will encourage and allow for efficient, safe and accessible means of transport. Policy TC2 requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.
7. With regards to local facilities and services, there are limited facilities within Ebford. The appellant has drawn my attention to local facilities to the north of the appeal site, in particular Darts Farm Shop, along with a number of local employment uses, a primary school and a pub. Access to these would be through the village and then along the A376.
8. The route through the village has no footpaths or streetlights. That said, the appeal site is not in an isolated location and the route through the village would involve passing existing dwellings and given this, motorists would be conscious of being within a village and therefore more prepared to encounter pedestrians. Such a route is not unusual within rural settlements, and it therefore does not automatically mean that it would deter future occupiers from walking the route to the extent that it would deter those living at the site from accessing those facilities by means other than a private vehicle.
9. In contrast to Ebford Lane, the A376 is a busy, heavily trafficked route. It is however served by footpaths on both sides and is lit. Whilst the route is not necessarily flat or straight and the footpaths are relatively narrow at points, I do not consider it to be of such a constraint as to deter future residents from using them to access nearby services. Neither do I consider the identified facilities to be of such a distance away as to act as a deterrent. There is also a pelican crossing to the south, which provides a safe crossing point. To the south, within a relatively short walk of the appeal site are bus stops, which from the information provided, offers a service between Exeter and Exmouth.
10. Whilst I find the appeal site to be in a location where future occupiers could at times walk or cycle to the surrounding services, due to the limited number of services locally, I find that it is likely that most trips to access employment, schools and other everyday needs, would be made by private vehicles.
11. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited, with paragraph 110 of the Framework recognising that opportunities to maximise sustainable travel choices will be different between rural and urban areas. Consequently, despite the countryside location of the appeal site, given the alternative options available, along with access to public transport, I do not find the appeal site to be so poorly located in terms of travel patterns and choices. Moreover, whilst I find that an increase in travel by private car would be a likely inevitable consequence of the proposal, given the limited size of the development, the likely trip generation is unlikely to have a notable impact on the level of traffic using the lane or road safety.

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

Character and appearance

13. The village of Ebford, is very much characterised as a rural settlement and is defined by development which is dispersed along rural lanes. It comprises a mix of more recent development, interspersed with historical development, as such there is no specific local vernacular or a particular dominant form of architecture. Due to its dispersed nature, open fields and undeveloped areas, including the appeal site, are interspersed amongst the village. This reinforces the overall rural character of the settlement.
14. The appeal site is located on the southern side of Ebford Lane. To the north and west, are residential properties, which are relatively modern, whilst to the east is the garden area of Rose Cottage which is a Grade II Listed Building. To the south, the land is undeveloped, beyond which are further residential properties. In the vicinity of the appeal site, dwellings to the east and west are predominately located close to the highway, with those to the north generally larger and set further back from the road.
15. The appeal site is predominately flat, open and undeveloped, with the exception of the north-west part which includes a number of dilapidated buildings and areas of hardstanding. Vehicular access is from Ebford Lane. Despite the presence of the dilapidated structures, the appeal site forms part of an existing break in development along Ebford Lane and, along with the presence of mature trees and hedging, plays an important role in defining the rural character of the village. Furthermore, given its open and undeveloped nature, there are views across the appeal site to the countryside beyond, reinforcing the rural character.
16. The appeal site is clearly rural in character and the proposed development would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate, along with the required access, parking and garden areas would add to this urbanising effect. That said, the established boundary planting and the location of neighbouring dwellings means that the appeal site is relatively well screened from the surrounding area and public views into the site are limited and localised. However, where the appeal site is visible, the proposed development would be clearly visible and would be seen as an urban form of development that would extend beyond the well-defined nature of the existing development. As such, the proposed development would appear as an incongruous, urban form of development, harmful to the rural character of the area.
17. The existing structures on the site are in an extremely poor state of repair and, as such, cause some harm to the character and appearance of the area. In this respect, their removal would provide some benefit to the character and appearance of the area. However, whilst their removal would be a benefit, I do not find this to be of such a degree as to outweigh the substantial harm I have identified from the encroachment of urban development into the countryside.
18. I note the presence of a number of existing large dwellings in the vicinity of the appeal site. However, whilst they may provide some support to the design

approach adopted by the appellant, I do not find their presence to provide justification for the proposed development.

19. For these reasons, I therefore find that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policy D1 of the EDLP, Policy CSG9 of the NP and the Framework. These policies, amongst other things, seek to ensure that new development contributes positively to the maintenance and enhancement of local identity and distinctiveness across the district and that their siting and design are compatible with the landscape character area.

Heritage

20. The appeal site lies adjacent to the boundary of Rose Cottage, which is a Grade II Listed Building. It lies within a comparatively small and enclosed plot, which due to its position and orientation within the plot, overlooks the appeal site. The nature of the enclosed plot reflects its original land holding, with the open and rural nature of the appeal site forming part of its setting and defining its significance as a rural dwelling.
21. The proposed development would remove the existing open aspect and introduce development into the open countryside. I note that careful attention has been paid to the overall design of the dwellings, their positioning, the proposed materials to be used and the provision of additional landscaping. Parts of the appeal site would also be left undeveloped. However, the overall scale, bulk and massing of the new dwellings would overly dominate the views of the open area and significantly change the experience and nature of these views. Therefore, because of the loss of the open views and the relationship of the proposed dwellings to Rose Cottage, the proposed development would undermine the legibility of the building as a historical, vernacular rural dwelling, thereby diminishing its significance.
22. Accordingly, I conclude that the proposal would cause less than substantial harm to the significance of the designated heritage asset. I have had regards to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') which requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the proposal.
23. I have considered the provision of two new dwellings, in terms of their contribution to the supply of housing in the area, especially where it is accepted that the Council are unable to demonstrate a five-year supply of housing land. I have also considered the self-build nature of the proposal, along with their sustainable design. I have considered the contribution that the proposed development would make in respect of supporting local services and facilities and providing investment during construction, along with the environmental improvements from the removal of the derelict structures, improvements to local surface water and general improvements around the site access.
24. Having considered the identified benefits of the proposed development, I find that, given the national importance to the protection of heritage assets, compared with the relatively modest scale of the development proposed and

the associated benefits, I find that they only carry moderate weight and, as such, would not outweigh the less than substantial harm I have identified to the setting of Rose Cottage. Furthermore, whilst it is agreed that the Council are unable to demonstrate a five-year supply of housing land, I find that these issues are likely to be temporary, whilst the harm to the setting of Rose Cottage would be permanent.

25. I therefore conclude that the proposed development would not preserve the special interest or setting of Rose Cottage and would result in harm to the significance of this listed building. Therefore, in this respect, the proposal fails to accord with Policy EN9 of the EDLP, Policy CSG8 of the NP and the Framework. Amongst other things, these policies seek to conserve the District's local character and historic environment and protect the setting of listed buildings. The proposed development would also conflict with the aims of the Framework as it would fail to sustain the significance of the listed building where the public benefits would not outweigh the harm. Finally, it would not preserve the setting of the listed building as required by Section 66(1) of the LBCA Act, but instead would be harmful.

Planning balance

26. It is accepted by both parties that it is not possible to demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated.
27. Paragraph 11 d) of the Framework states that where the policies which are most important are out of date, permission should be granted, unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or, where specific policies in the Framework, provide a clear reason for refusing the development proposed. As I have already found that the Framework policy relating to heritage assets in paragraph 215 indicates that development should be restricted, such that, notwithstanding the current absence of a Framework compliant supply of housing land, the so-called tilted balance does not apply in this case.
28. The proposed development would provide social benefits in terms of two new houses where it is accepted that it is not possible to demonstrate a five year supply of housing land. It has also been identified that the proposal would be self-build homes. Given the national policy for increasing the supply of new homes, along with the Council's position in relation to the delivery of service plots to meet the identified need, these benefits attract great weight in favour of the scheme in the planning balance.
29. The proposed development would deliver homes that are designed to be highly sustainable in terms of their energy use and overall emissions. It would also help to support local services and facilities and provide investment in terms of its construction. I have attributed these benefits moderate weight in favour of the proposed development.
30. Further benefits would be delivered through the removal of the existing derelict buildings, along with the overall improvements that would be delivered to the site entrance, which the appellant submits will improve the overall setting of Rose Cottage. The appellant also contends that there would be environmental

improvements from reduced traffic movements from the site due to the removal of the previous use on the site, along with wider benefits to the local community from improvements to the local surface water drainage. These benefits attract moderate weight in favour of the scheme in the overall planning balance

31. I have also found no conflict with regards to the location of the site. Whilst I have found that the proposed development is likely to result in future occupants needing to use private vehicles to access the majority of their daily needs, I have concluded that, due to existing public transport and the availability of alternative options, given the limited scale of the development, this harm is limited.
32. On the other hand, I have found that the proposed development would harm the character and appearance of the area, and thereby conflict with the development plan in this regard. I have also found that there would be harm to the setting of Rose Cottage, a designated heritage asset and the identified benefits would fall short of outweighing the harm I have found. These weigh substantially against the proposed development.
33. Furthermore, I note that the Council raise no other issues in relation to ecology, trees, highway matters, parking, flooding or waste disposal, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
34. Overall, whilst the proposed development would deliver a number of benefits, on balance, I do not find that these, either individually or cumulatively to be of such a weight as to outweigh the harm I have found.

Conclusion

35. For the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR