



Appeal Decision

Site visit made on 2 April 2025

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/U1105/W/24/3355106

Land at Ford Farm, Woodbury EX5 1NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr C Horner against the decision of East Devon District Council.
 - The application Ref is 24/0043/PIP.
 - The development proposed is described as “This application seeks permission in principle for the erection of 9no self-build dwellings.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2024. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken the submissions received into account in my decision.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters would be addressed as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
5. I have regarded the submitted drawings as illustrative, other than in respect of the matters for consideration at the permission in principle stage.
6. A new Local Plan is emerging, however this is at a relatively early stage in its preparation and has yet to be submitted for examination. As such its emerging policies currently attract limited weight in this appeal.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. The appeal site comprises an open field which is outside of, but adjacent to the Built Up Area Boundary (BUAB) of Woodbury as defined by the East Devon Villages Plan (Adopted July 2018) (EDVP). Consequently, for the purposes of the development plan the site is within the open countryside. Strategy 7 of the East Devon Local Plan 2013 to 2031 (Adopted January 2016) (LP) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy which explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.
9. There are no such policies applicable to the appeal proposal and consequently it would conflict with the spatial strategy for the area. In this respect the appeal site is not suitable for residential development, having regard to its location and the proposed land use.
10. Strategy 27 of the LP provides a list of small towns and larger villages, including Woodbury which offer a range of services and facilities to meet the everyday needs of local residents and have reasonable public transport.
11. Accessing the services and facilities of the village via the main road (B3179) by foot would require future residents to walk along a stretch of the carriageway before the pavement starts. The EDVP describes this road as “well used by vehicles including HGV’s”, which aligns with my observations. Traffic volumes are high in this area and the road is relatively narrow, does not benefit from lighting and there are no footways or refuge areas for pedestrians.
12. Consequently, it would not be safe or convenient for future residents to access the services of the village by foot or cycle. There are other roads in the village which do not benefit from footways along their entire length, however these are mostly in established residential areas where motorists would have an expectation of potential pedestrians in the area.
13. A footpath was formed for residents of Ford Farm which leads around the periphery of the appeal site. Limited details of the intended route beyond the appeal site have been provided, however the path is ill-defined and is not appropriately surfaced to provide access for those with mobility issues, cyclists and those using pushchairs. Furthermore, it is not well-lit and therefore would not be convenient or safe to use during the hours of darkness. Accordingly, the existing path would not provide suitable access for future residents to services and facilities.
14. Whilst improvements for pedestrian and cycle accessibility could be sought at TDC stage, there would be limited options available as a result of the location of the appeal site away from suitable linkages to existing infrastructure.
15. Some of the services and facilities of the village are within reasonable distance of the appeal site however, for the reasons given future residents would be reliant on a private motor vehicle for even local trips. Therefore, the appeal site is not suitable for residential development, having regard to its location.
16. The appeal site comprises an open field which is laid to grass and which forms part of a patchwork of fields which combine to create the rural landscape in which

Woodbury is situated. Residential development exists to the west of the appeal site, within the BUAB, however the appeal site is more closely associated with the countryside than the adjacent built form. At the appeal site there is a sense of having left the built-up area of the village and having transitioned into the countryside. Ford Farm to the east is an established agricultural feature of the area and does not detract from its rural character or diminish the contribution the appeal site makes to it.

17. The proposal is for permission in principle and therefore details which relate to the appearance and siting of the dwellings would be a matter for any subsequent TDC application. Nevertheless, it is appropriate to consider the effect on the character and appearance of the area in so far as it relates to the principle of development and its implications.
18. Even were the dwellings to be carefully designed and a landscaping scheme implemented, the provision of up to 9 dwellings at the appeal site, along with associated domestic paraphernalia and access would inevitably have an obvious physical presence at the site. Any dwellings would be visible to passers-by from the adjacent road. The amount of residential development proposed would result in the loss of the site as an open green field and would have a significantly urbanising effect which would erode the rural character of the area. Therefore, the proposal, by virtue of its location, the proposed land use and the amount of development would result in harm to the character and appearance of the area.
19. Overall, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development because of the conflict with the spatial strategy for the area, the poor access to services and facilities and the harm which would occur to the character and appearance of the area. Consequently, the proposal would conflict with Strategies 5b, 7, 27, 46 and Policies TC2 and D1 of the LP. Together, these seek to control development in the countryside, ensure that development contributes to the objectives of promoting and securing sustainable modes of travel and transport, is located so as to be accessible by pedestrians, cyclists and public transport, conserves and enhances the landscape character of the area and respects the special qualities of the area.

Other Matters

20. Subject to the granting of TDC the proposal would provide up to 9 dwellings on a small site which could be built-out relatively quickly. This would make a modest but valuable contribution to the Council's housing land supply to which I give positive weight.
21. The dwellings are proposed as self or custom build (SCB) plots. Authorities have a duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for SCB housing in their area. The Council's latest Self-build Demand and Supply Monitoring Report¹ (published February 2025) concludes that despite a decrease in the number of plots being granted permission, the supply during the most recent base period has met demand, including residual demand, with a surplus of 3 plots.

¹ 9th Self-build Monitoring Report 31/10/23 to 30/10/24

22. Nevertheless, the Framework states that local planning authorities should seek to support small sites to come forward for SCB housing. SCB has a role to play in diversifying the housing market and increasing consumer choice. Consequently, the provision of SCB plots is a material consideration which attracts positive weight in the planning balance.
23. Other social and economic benefits would accrue during the construction phase and as a result of the proposed development including the contribution future occupiers of the proposed dwellings would make to the viability and vitality of the services and facilities of the village and the community.
24. I am aware that the site is near to a Grade II listed building, Knoll Cottage. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The verdant surroundings of Knoll Cottage, of which the appeal site forms part, contributes positively to its significance. Nevertheless, given the location and extent of the proposed development, and the presence of other interceding development, it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
25. The appeal site is within the Zones of Influence of the Exe Estuary and Pebblebed Heaths European Sites. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
26. I have been referred to an application for 28 dwellings on land adjacent to Globe Hill², which has resolution to grant planning permission subject to a s.106 agreement. This site is also outside of the BUAB of Woodbury. However, based on the evidence before me, the context of the appeal site in respect of surrounding development differs significantly from that of the appeal site. Furthermore, future residents would have convenient access to the services and facilities of the village. Consequently, this application is of little relevance to the appeal which is before me.

Planning Balance

27. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
28. The proposal conflicts with Strategies 5b, 7, 27, 46 and Policies TC2 and D1 of the LP insofar as it would result in development in the countryside which would have a harmful effect on the character and appearance of the area and with poor access to services and facilities. These policies are consistent with the Framework which seeks to ensure that developments are sympathetic to their landscape setting, direct development to sustainable locations, prioritise sustainable modes of transport and actively manage patterns of growth to support the objective of promoting sustainable transport. Consequently, I attach significant weight to the conflict with these policies.

² 23/1600/MOU

29. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
30. The parties agree that the Council is unable to demonstrate a 5-year supply of housing land with supply said to be at 2.97 years. This falls significantly below the Government's expectations and as a result paragraph 11d) of the Framework is engaged.
31. The proposal would support the objective of boosting the supply of homes, however the contribution it would make to addressing the shortfall would be relatively modest. The proposal would result in other benefits, including the provision of SCB plots and the usual social and economic benefits. Together I give moderate weight to the benefits of the proposal.
32. Set against the identified benefits the proposal would conflict with the spatial strategy for the area, fail to provide adequate access to services and facilities and would result in harm to the character and appearance of the area. Together I give significant negative weight to these harms.
33. I therefore find that the adverse impacts of granting permission in principle would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

34. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR