



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: 6 May 2025

Appeal Ref: APP/U1105/W/24/3353376

Land adjacent to 5 Marles Close, Awliscombe EX14 3GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Groves against the decision of East Devon District Council.
 - The application Ref is 24/0556/FUL.
 - The development proposed is erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping at Land adjacent to 5 Marles Close, Awliscombe EX14 3GA in accordance with the terms of the application, Ref 24/0556/FUL, subject to the conditions in the attached schedule.

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 into account in my decision.
3. I note that an earlier application (16/0951/OUT) for a dwelling at the appeal site was refused by the Council. I have had regard to this insofar as it is relevant to the appeal before me, however I have considered the proposal on its own merits.

Main Issue

4. The main issue is whether the appeal site is a suitable location for a dwelling with particular regard to:
 - the development plan for the area; and
 - the accessibility of services and facilities.

Reasons

Suitable location

5. Strategy 1 of the East Devon Local Plan 2013 – 2031 (Adopted January 2016) (LP) sets out a spatial strategy for development in East Devon. The approach includes significant development in East Devon's West End, with the seven main

towns in the area forming the focal points for development. Strategy 2 of the LP sets out a pattern of distribution for residential development in the area.

6. Strategy 6 of the LP states that development within Built-Up Area Boundaries (BUABs) will be permitted subject to several criteria. Villages with BUABs are those which are considered appropriate to accommodate growth and development. Strategy 7 of the LP defines the countryside as all parts of the plan area outside of BUABs and site-specific allocations. 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, would not result in harm to the landscape, amenity and environmental qualities of its location and subject to several criteria.
7. Awliscombe does not have a BUAB and consequently, for the purposes of the LP, the appeal site is located within the countryside. The parties agree that the proposal would not accord with the exceptions set out in Strategy 7. As such, the proposal would conflict with the spatial strategy for East Devon.
8. Accordingly, I conclude that the appeal site is not a suitable location for a dwelling with particular regard to the development plan for the area. The proposal would therefore conflict with Strategies 1, 2, 6 and 7 of the LP which together seek to restrict development in locations outside of defined settlement limits and within the open countryside.

Accessibility

9. Awliscombe benefits from some facilities including a primary school, pre-school, village hall and church. These are within comfortable walking distance of the appeal site and would be accessible by foot. Although pavements are not continuous through the village, the sections which do not benefit from a dedicated footway are relatively short and there are some areas of pedestrian refuge from passing vehicles.
10. A bus service operates from Awliscombe to higher order settlements and local schools, although it is somewhat limited. Given the relatively short distance to Honiton, cycling to the town would also be an option for confident cyclists, although I acknowledge that this would not be a realistic prospect for all future residents.
11. The services and facilities which exist nearby would not be sufficient to meet all of the requirements of future residents. They would need to travel further afield to access a more comprehensive range of facilities and given the lack of regular public transport options, are likely to rely on a private car to do so.
12. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given the presence of some nearby services and facilities, and some sustainable transport options, not all daily trips would require the use of the car. Furthermore, given the close proximity of Honiton, many car trips are likely to be short. In this rural context, I find that the appeal site has reasonable access to services and facilities.
13. Overall, I conclude that the appeal site is a suitable location for a dwelling, having regard to the accessibility of services and facilities. It would therefore accord with Strategy 5B and Policy TC2 of the LP which seek to ensure that development is

located where it would be accessible by sustainable modes of transport and minimise the need to travel by car.

Other Matters

14. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land. As a result of the recent changes to the Framework, the Council can now demonstrate only 2.97 years of housing supply. This represents a significant shortfall in housing provision in the area. Set against this, the proposal would deliver a dwelling in a location with reasonable access to services and facilities. In this context, I give positive weight to the contribution the appeal scheme would make to housing supply.
15. The proposal would give rise to economic benefits as a result of jobs during the construction phase and local expenditure by future residents, who would also support local facilities and contribute towards the community. The proposal would also secure ecological enhancements. These factors also attract positive weight in the planning balance, I return to this matter below.
16. The proposed dwelling would sit comfortably in the gap between two existing dwellings. The pitched roof form with projecting gable and the design of the fenestration would echo that of other dwellings in the cul-de-sac. The ridge line would sit between that of the adjacent dwellings and the building line would be similar. Although the proposed garage would be closer to the road than those at adjacent plots it would not be overly prominent in the street scene. Consequently, the proposal would respond well to its context and would not result in harm to the character and appearance of the area.
17. The adjacent dwelling to the south has windows and doors on the side elevation which face the appeal site. However, the rooms which these openings serve benefit from other windows which also provide light to these areas. Therefore, the harm arising from any loss of light as a result of the proposed development would not be significant. The south elevation of the proposed dwelling would include two windows serving en-suites which would face the side elevation of the adjacent property. A condition could be imposed requiring these to be obscurely glazed. Subject to such a condition the proposal would not result in a significant loss of privacy for the occupiers of nearby dwellings.
18. The appeal scheme includes sufficient parking for future occupiers. The impact of the availability of on-street parking as a result of the proposal would not be significant. Although the presence of construction vehicles may result in temporary inconvenience, there would be space within the appeal site and nearby to accommodate these without resulting in significant adverse impacts.
19. Whilst there may be demand generally for single storey dwellings, the provision of a two-storey dwelling is not precluded by any policy. Surface water would be dealt with by way of a soakaway and foul water would connect into the mains sewer; there is no firm evidence before me which suggests that this would not be effective. Similarly, there is no substantive evidence that future residents would have poor internet access. I note that the Council have no concerns in respect of these matters. The potential impact on adjacent properties in terms of damage and boundary issues are private matters.

20. I am aware that there is a Grade II listed building, George Park, to the north of the appeal site. Mindful of the 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. George Park is appreciated principally from the A373 and although there is a small degree of intervisibility between the sites, given the presence of interceding development, the appeal proposal would preserve the setting of George Park, the significance of which would not be harmed. I note the Council had no concerns in this regard either.

Planning Balance

21. The proposal would conflict with Strategies 1, 2, 6 and 7 of the LP because the site is outside of any defined settlement boundary or allocated site. However, because the Council cannot demonstrate a five-year supply of deliverable housing sites, these policies which relate to the delivery of housing, are deemed to be out of date. Accordingly, paragraph 11d) of the Framework is engaged.
22. The provision of a dwelling in a reasonably accessible location and the associated social and economic benefits are positive aspects of the scheme to which I collectively attach moderate weight, given the small scale of the scheme.
23. The adverse impact arising from a conflict with the above-mentioned policies would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates that planning permission should be granted.

Conditions

24. I have had regard to the suggested conditions proposed by the Council. Where necessary, I have undertaken some minor editing and rationalisation of the conditions where they meet the tests set out at paragraph 57 of the Framework in the interests of precision and clarity. In addition to those conditions which I have already referred to in my decision and the standard time limit condition, I have imposed a condition specifying the approved plans in the interests of certainty.
25. A condition requiring the implementation of the measures proposed in the submitted Preliminary Ecological Appraisal¹ is necessary to ensure that the proposal does not have a harmful effect on protected species. Conditions requiring details of the materials to be used in the development and the implementation of hard and soft landscaping are necessary to ensure a satisfactory appearance to the development.

Conclusion

26. The proposed development would conflict with the development plan but material considerations including the Framework indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should succeed.

E Pickernell

INSPECTOR

¹ jh ecology, March 2024

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 23-66-01, 23-66-02, 23-66-03, 23-66-04, 23-66-05, 23-66-06.
- 3) The recommendations, mitigation and enhancement measures contained within the Preliminary Ecological Appraisal (JH Ecology, March 2024) shall be implemented in full prior to the first occupation of the dwelling hereby approved. Thereafter the mitigation and enhancement measures shall be retained in perpetuity.
- 4) No development above ground level shall take place until details of the following have been submitted to and approved in writing by the local planning authority:
 - a) materials to be used in the construction of the external surfaces; and
 - b) external windows and doors to be used in the development hereby permitted.

The development shall be carried out in accordance with the approved details.

- 5) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) a scheme for the planting of trees, hedges, herbaceous plants and grassed areas; and
 - b) details of hard landscaped areas including driveway and paved/patio areas.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard landscaping works shall be carried out in full prior to the first occupation of the building and shall be retained as such thereafter.

- 6) The dwelling hereby permitted shall not be occupied until the windows on the south elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

End of Schedule