
Appeal Decision

Site visit made on 30 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/Y1138/W/25/3360104 Strathculm Road, Hele, Devon EX5 4PN

- 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 Jonathan Hall against the decision of Mid Devon District Council.
 - The application Ref is 24/01143/PIP.
 - The development proposed is a terrace of 3x3 bed residential properties each with 2x allocated parking spaces to the front and gardens to the front and rear.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 2 and maximum of 3 dwellings at Strathculm Road, Hele, Devon EX5 4PN in accordance with the terms of the application, Ref 24/01143/PIP.

Preliminary Matters

2. 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 stage') is when the detailed development proposals are assessed. It is only at the technical details consent stage where a planning permission can be granted. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is in a suitable location for residential development, having regard to the Council's spatial strategy and access to services and facilities.

Reasons

5. The appeal site is located within the village of Hele, a relatively small settlement with very few, if any, services and facilities. For planning purposes Hele is regarded as being within the countryside. Policy S14 of the Mid Devon Local Plan, July 2020 (the LP) sets out a range of development types that are considered to

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

be acceptable in rural areas such as this. Open market homes, as proposed as part of this appeal scheme, are not regarded as being appropriate. The supporting text to the policy also identifies that any location outside of a settlement boundary is to be regarded as being 'isolated', and that the provision of isolated homes should be avoided unless special circumstances apply. Having regard to LP Policy S14, the proposed development would clearly conflict with the Council's adopted spatial strategy.

6. Given the highly limited services that exist in the village, it would be necessary for future occupiers to travel to nearby settlements. There are several facilities within the nearby village of Bradninch, including a shop, public houses, churches, a pre-school and a primary school. While the distance between the two settlements is quite limited, walking is highly unlikely to be an attractive option as there is only a pavement along part of the route, while cycling may also be unsafe in the hours of darkness as the route is unlit. While there is a bus stop close to the appeal site, which along with Bradninch provides access to the larger settlements of Cullompton and Exeter, services are relatively infrequent.
7. Taking all of this into account, I consider that the use of sustainable modes of transport would be relatively unattractive for future occupiers in this location, and as such, it is highly likely that the majority of trips to access services and facilities would be undertaken by private car.
8. I therefore conclude that the proposed development would not be in a suitable location, taking into account the Council's spatial strategy and access to services and facilities. As a result, the proposal conflicts with LP Policies S1, S2, S3 and S14. Taken together, the relevant aspects of these policies seek to ensure that development is directed to sustainable locations.

Planning Balance

9. The Council can currently only demonstrate 4.79 years' worth of deliverable sites for housing, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
10. In this instance, the benefits of the proposal include the provision of up to three dwellings and the associated economic benefits. Despite the shortfall in housing land supply, I only afford limited weight to these benefits given that the proposal is relatively minor in nature.
11. I have concluded that there would be material harm in relation to the suitability of the site's location. It is notable that paragraph 84 of the Framework seeks to avoid the provision of isolated homes in the countryside. However, a Court of Appeal Judgement² set out that the phrase 'isolated development in the countryside' simply means a dwelling that is physically separate or remote from a settlement. With regards to the appeal before me, the site is well connected to existing buildings. As such, despite the reference to isolated development in the supporting

² Braintree District Council v Secretary of State for Communities and Local Government and others [2018]

text of LP Policy S14, I recognise that the appeal site cannot be considered to be isolated when considered against Paragraph 84 the Framework.

12. Nevertheless, the support for the principle of new residential development within the Framework is countered by the importance it places on the provision of development that encourages the use of sustainable modes of transport.
13. In this instance, the proposed development would be located very close to a range of services and facilities in Bradninch, while the larger settlement of Cullompton is also reasonably close by. As such, while future occupiers would be largely reliant on the private car to access these facilities, the majority of trips are likely to be fairly short. Furthermore, given that the proposal is only for a maximum of three dwellings, the number of journeys would be relatively few. I am also satisfied that the site is of a suitable size to provide up to three homes. As a result, the associated harm would be limited and therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits.

Other Matters

14. Several local residents have objected to the proposal, as has Bradninch Town Council. While I have had regard to these comments, I have already set out that a permission in principle is not a planning permission in itself and my consideration of the case is limited to very specific matters. As such, issues such as character and appearance and ecology, including the presence of a protected tree on the site, must be considered at the subsequent Technical Details Consent stage. This is also the case for other matters such as detailed access arrangements, living conditions, surface water flooding, contamination and sewerage capacity among other things. Indeed, the Council has already noted some of the evidence that the appellant would be required to provide as part of the subsequent stage of the process.
15. The Council's statement identifies that Hele Mill, opposite the appeal site, is regarded as a non-designated heritage asset. Its significance is derived from its historic appearance and use which is of relevance to the development of the wider surroundings. At the permission in principle stage, I have no evidence before me to suggest that the setting of the Mill, and therefore its significance, would be harmed by the proposed development. This again is a matter that would need to be considered further at the Technical Details Stage.
16. The Council has drawn my attention to several other appeal decisions where the suitability of a site's location was considered, and the identified harm was weighed against the benefits, including the provision of affordable housing. However, in this instance, I have concluded that the location of the appeal site would conflict with the relevant local plan policies that seek to direct new housing towards sustainable locations. It is therefore the lack of a five-year supply of deliverable sites that is the determinative feature of this appeal.

Conditions

17. As set out within the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR