



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: 20th June 2025

Appeal Ref: APP/P1133/W/24/3353839

14 Horns Park, Bishopsteignton, Devon TQ14 9RP

- 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 Peter Cousens (Wyse Homes Ltd) against the decision of Teignbridge District Council.
 - The application Ref is 23/01658/FUL.
 - The development proposed is alterations to existing property, construction of new access road, and construction of four new dwellings with parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their appeal statement, the appellant has provided additional evidence relating to surface water drainage and protected species. I do acknowledge that this is a genuine attempt by the appellant to overcome the Council's reasons for refusal. However, section 9.4.8 of the Procedural Guide: Planning Appeals – England¹ clearly sets out that late documents will only be accepted where there has been a change of circumstances such as new legislation, new policies or recent appeal decisions. It appears that there are no such circumstances in this case that justify the submission of late evidence. I have therefore based my decision on the evidence that was provided to the Council prior to the determination of the application.
3. Nevertheless, for the avoidance of doubt, even if I had accepted the evidence and had concluded that this overcame the respective reasons for refusal, this appeal would still have been dismissed due to the identified harm to character and appearance. As such, this matter has not been determinative in relation to the eventual outcome.

Main Issues

4. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) whether or not adequate arrangements are made for the disposal of surface water from the site; and (iii) the effect of the proposed development on protected species.

¹ [Procedural Guide: Planning appeals – England - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/671411/Procedural-Guide-Planning-Appeals-England.pdf)

Reasons

Character and Appearance

5. The appeal site is an area of grassland which is located immediately to the rear of Horns Park. The vast majority of homes on this street are single storey bungalows which are set back from the road within reasonably large plots. As such, the immediate area currently has a relatively spacious feel. The bungalows themselves are of a traditional design with render or brick exteriors and pitched tile roofs.
6. The proposed development would involve the construction of four, two storey detached dwellings on the site. When walking along Horns Park, towards the appeal site, many other homes in the wider area are visible due to the topography of the land. However, while these are of different sizes and designs, they appear to form a rather distant backdrop to Horns Park rather than being part of the immediate street scene.
7. In contrast, the four proposed homes would primarily be seen within the context of the existing bungalows on Horns Park, due to the proximity between the two. It is clear that the proposed homes would be of a highly modern design with extensive glazing, vertical cladding and flat roofs. Their design would undoubtedly appear to be incongruous and out of place in comparison to the more traditional design of the existing bungalows. Indeed, due to the topography of the land, the upper floors of the new homes would likely be visible from Horns Park and so this harm would be readily apparent from public vantage points.
8. Furthermore, it is notable from the proposed site plan that plot four of the development would be set further forward than the other three plots. This dwelling would be in very close proximity to No's 15, 16 and 17 Horns Park. In my view, the intimate relationship between these buildings would inevitably make the immediate surroundings appear to be more cramped and the existing spaciousness would therefore be eroded.
9. As a result, the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies S1 and S2 of the Teignbridge Local Plan 2013 – 2033 (the LP), the relevant aspects of which seek to ensure that new development is well designed and that it preserves character and appearance.

Surface Water

10. As part of their application, the appellant submitted a Flood Risk Assessment (Ortus Property Development Partners). The assessment includes a consideration of surface water calculations and concludes that the provision of permeable road and parking surfaces, plus the inclusion of a limited rainwater harvesting system for each of the proposed dwellings would provide sufficient on-site storage. In addition, the appellant provided an updated plan showing the inclusion of these features and a surface water storage assessment.
11. However, the level of detail, particularly with regards to the proposed rainwater harvesting system, is very limited. Indeed, based on the evidence before me, I do not have the required level of certainty that the proposed measures would be

sufficient, and that the development would not result in an increase in flood risk elsewhere. There is also insufficient detail to establish the flow routes in circumstances where the amount of rainfall exceeds the design standard of the surface water management system.

12. Due to this lack of certainty, I conclude that the proposal would conflict with LP Policy EN4 and Policy BSA6 of the Bishopsteignton Neighbourhood Plan (BNP). Taken together, the relevant aspects of these policies seek to ensure that new development is safe from flooding, and that it does not increase the risk of flooding elsewhere.

Protected Species

13. In support of their application, the appellant submitted an Ecological Impact Assessment (Orbis Ecology August 2023). As part of this, a bat emergence survey was undertaken which found that no bats emerged from the boundary walls of the site, or the existing bungalow. With regards to foraging and commuting, the impacts were considered to be low, and mitigation in the form of controls on lighting and the introduction of planting would be sufficient.
14. However, as noted by the Council's biodiversity officer, the site is a possible feeding area for the Grey Long Eared Bat (GLEB) which is a light sensitive species. With regards to protected species, I must adopt a cautious approach in order to be certain that harm would not occur. In this instance, without more detailed information on bat activity in the area, including whether the site is used for foraging, I cannot conclude with sufficient certainty that the development would not adversely affect local bat populations including GLEBs.
15. As such, I conclude that the proposed development would conflict with LP Policy EN11 which seeks to ensure that protected species are not harmed.

Other Matters

16. The appeal site is identified within the BNP as a non-designated heritage asset due to its status as a historic garden. Its significance is associated with its historic use and it is notable that the site is bounded by stone walls. However, the site is separated from the vast majority of the wider garden by a footpath, and it does not share the same qualities as the wider designation. I note that the Council is satisfied that the development of the site would not result in harm to the significance of the wider historic garden. Based on the evidence before me, I have no reason to disagree.
17. The site is also adjacent to the Bishopsteignton Conservation Area. Its significance is derived from the historic appearance of many of the buildings in the area which provides a narrative with regards to the evolution of the village over time. The proposed dwellings would be in very close proximity to the existing homes on Horns Park and therefore would primarily be seen in that context rather than the site's relationship with the Conservation Area. As such, I am satisfied that the proposal would not harm the setting or significance of that designated heritage asset.
18. The site is within 10km of the Exe Estuary Special Protection Area and Ramsar Site and Dawlish Warren Special Area of Conservation. I note that a financial contribution has been made to mitigate the impact of development on these sites.

However, as I am dismissing the appeal, I am not required to consider this matter further.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole. The provision of four new dwellings would add to local housing stock, and would also have some economic benefits for the local area. The proposal may also result in some biodiversity enhancements through additional planting. However, the small-scale nature of the scheme means that any such benefits are likely to be limited.
20. The harm that I have identified to character and appearance alone would be significant and there would also be potential for additional harm in relation to flooding and protected species. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. The Council has advised that it can demonstrate a five year supply of deliverable sites. The appellant has suggested that this position may have changed since the publication of the revised National Planning Policy Framework. However, without any substantive evidence to the contrary, I am satisfied that the presumption in favour of sustainable development, as set out within paragraph 11d of the Framework, should not apply in this case. Nevertheless, for the avoidance of doubt, even if the 'tilted balance' was engaged, I would have concluded that the harm to character and appearance alone significantly and demonstrably outweighed the benefits of the scheme
22. For the reasons given, the appeal is therefore dismissed.

C Butcher

INSPECTOR