



Appeal Decision

Site visit made on 4 June 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/Y1138/W/25/3361676

2 Colebrooke Lane, Cullompton, Devon, EX15 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Takle against the decision of Mid Devon District Council.
 - The application Ref is 24/00657/OUT.
 - The development is proposed new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development from the application form.
3. The appeal seeks outline planning permission for one new dwelling with all matters reserved for future approval. An indicative site layout plan accompanied the application and a revised version of this together with an indicative floor plan and elevations were included with the appeal. I have had regard to both indicative plans in determining this appeal but only in relation to the potential they show for the quantum of development, for which outline planning permission is sought, to be accommodated on the appeal site and come forward at the reserved matters stage.

Main Issues

4. Although there is one reason for refusal it essentially raises two main issues, namely, the effect of the proposed development on: (a) the character and appearance of the surrounding area; and (b) the living conditions of existing and future occupiers

Reasons

Character and appearance

5. The appeal site forms part of the rear garden to 2 Colebrooke Lane (No.2), a two-storey property that forms part of an attractive terrace of four similar properties fronting Colebrooke Lane. The northern boundary of the appeal site is shown on the alignment of an existing single storey outbuilding with a low pitched roof, which I understand would be demolished, and beyond this is an area of the existing garden that would be retained for No.2. The western boundary of the appeal site forms the common boundary with the rear garden to, I assume, 4 Colebrooke Lane

- (No.4). On the southern boundary of the site is an existing single storey flat roofed garage shown to be demolished to accommodate parking for the new dwelling and No.2.
6. The eastern boundary of the appeal site is currently formed by a high wall that runs parallel with a small lane leading to three detached properties, located to the south. This lane would be reused to provide access to the new dwelling and car parking. I note there is some dispute as to the right of access over this lane but that is not a matter that has affected my determination of this appeal. Other than the existing short terrace, the surrounding properties vary in terms of their age, style, form and design but are generally two storeys.
 7. The appeal proposal seeks outline planning permission for one new dwelling. The indicative plans show that this could involve a new detached dwelling located close to the new boundary with No.2 or located closer to the demolished garage, to the south. One of the indicative plans appears to show a flat green roof, whereas the other shows a more traditional pitched roof. The plans suggest that the garden to serve the new dwelling could be to north or south of the proposed building but in either case the size of the garden area retained for No.2 remains unchanged.
 8. Both indicative plans show that the footprint, mass and extent of the new building, within the existing rear garden, would be significant and would far exceed that of the outbuildings to be demolished and of outbuildings on adjoining properties. The new building would also be sited close to the existing and new boundaries with No.4 and No.2. As such, it would result in a new dwelling that appears both cramped and contrived, completely out of keeping with the urban grain and the prevailing rhythm and pattern of development on this part of Colebrook Lane.
 9. The proposal would impact on the sense of openness and spaciousness that is derived from the existing largely undeveloped garden. Based on the indicative plans it would result in a new dwelling whose design, layout and relationship to the host property and to neighbouring properties is unsympathetic and out of character. Overall, it would represent a poor quality of urban design that fails to reflect, protect or enhance local distinctiveness or be compatible with its surroundings. As a consequence, the proposal would not sit comfortably on the appeal site.
 10. I accept that its plot size may be comparable to those on the other more modern developments in Colebrook Lane but as I have found above the harm that arises does not necessarily relate to just its plot size. Even so, the existing rear garden to No.2 is reasonably spacious and broadly reflects those found on adjoining properties albeit some may have been subdivided. It is also similar to the rear gardens on the properties to the east and south, where it is notable that the back land development of three detached properties is set well back from the main road and do not affect the built rhythm or garden sizes of the properties to the north. These comments aside, as is required, I have determined the appeal proposal on its individual merits having regard to the specific circumstances of the case and its local context.
 11. The Council has referred to policies S1 and DM1 of the Mid Devon Local Plan 2013 – 2033 (LP) and policy TC02 of the Cullompton Neighbourhood Plan 2020 – 2023 (NP). Combined, these policies require, amongst other matters, for development to: be of a high quality design that is based on a clear understanding of the qualities and characteristics of the site and its surroundings; makes a positive contribution to

local character and the built environment; creates visually attractive places that are well integrated with surrounding buildings taking account of factors such as design, siting, layout, massing and orientation; and reinforces local distinctiveness. For the reasons set out above, the appeal proposal would fail to comply with a number of these policy requirements.

12. Further support for my findings is provided by paragraph 129 of the NPPF which in supporting development that makes efficient use of land states that this should take into account various considerations including “*the desirability of maintaining an area’s prevailing character and setting (including residential gardens).*” This must be read in conjunction with paragraph 135 of the NPPF which in stating that innovation or change should not be discouraged emphasises that new development should be: visually attractive, function well and add to the overall quality of the area; be sympathetic to local character including the surrounding built environment; establish or maintain a strong sense of place; and secure a high standard of amenity for existing and future users. For the above reasons, the proposal would fail to comply with the overall requirements of paragraph 135.
13. Accordingly, I find that the appeal proposal would result in significant harm to the character and appearance of the area contrary to policies S1 and DM1 of the LP, policy TC02 of the NP and the corresponding policies of the NPPF.

Living conditions – existing and future

14. As I confirmed earlier, the appeal proposal and the quantum of development proposed, as shown in the indicative layouts, would be cramped and contrived. I understand that the indicative building footprints result from the requirement to meet nationally described space standards for a one bedroom dwelling in accord with policy DM1 of the LP. However, the result would be a new building that would be sited close to the common side boundary with No.4 and the boundary to the existing shared lane. There would be limited space available around these elevations and any new building would be prominent in views from the gardens and rears of No.2 and No.4. Both layouts would also give rise to the potential for the proposed amenity area to be overlooked from No’s 2 and 4.
15. My attention has not been drawn to any standards for new amenity space in either the LP or NP. I have also noted the comparisons made by the Appellant in their Final Comments of the likely size of the proposed garden relative to other gardens in the area. Based on the latter and the alternative indicative layouts, I am satisfied that it would be possible at the reserved matters stage to secure a reasonably sized garden to serve the new dwelling that would be both functional and with additional screening private. However, in order to secure this, it appears likely that the new building would need to be sited closer to the rears and gardens of No’s 2 and 4 with the potential to impact on their outlook and appear overbearing.
16. Moreover, with either indicative layout the retained garden area for No.2 would remain the same. Whilst the Appellants Final Comments suggest that this area is again not dissimilar to that proposed or found on other properties nearby, this comparison is based on its measured size and ignores the awkward shape and constrained layout of the retained garden to No.2. Assuming the latter would be enclosed by fencing and that this would be some 1.6 – 1.8 metres in height to maintain privacy, then the quality of the retained amenity area would be poor and of little functional use. For these reasons, I am not convinced that the retained garden

for No.2 would secure an acceptable and good standard of amenity space for the occupiers of that property.

17. All of the above factors add further support to my findings that the appeal proposal is poorly designed and would result in a cramped and contrived layout.
18. Accordingly, I find that the proposed development would result in harm to the living conditions of existing and future occupiers contrary to policy DM1 of the LP and paragraph 135 f) of the NPPF. These require development to provide appropriate amenity space and secure a high standard of amenity for existing and future users.

Planning balance and conclusions

19. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect, policies S1 and DM1 of the LP and policy TC02 of the NP are consistent with and remain in general conformity with the NPPF's aims and objectives. These include ensuring that new development is visually attractive, functions well and adds to the overall quality of the area; is sympathetic to local character including the surrounding built environment; establishes or maintains a strong sense of place; and secures a high standard of amenity for existing and future users.
20. In terms of other considerations, the benefits of the appeal proposal include one new dwelling in a sustainable location that would boost housing supply in line with paragraph 61 of the NPPF, generate employment from construction and make effective use of land. Even so, the level of housing provision is small and the employment would be short term. The proposal is also for market housing and is not seeking to address any identified affordable need. I, therefore, attach moderate weight to these benefits. However, as I have found, the appeal proposal would conflict with policies S1 and DM1 of the LP and policy TC02 of the NP. These policies should be accorded significant weight as they remain consistent with and in conformity with the NPPF. Consequently, I find that the appeal proposal would conflict with the development plan as a whole.
21. Following the publication of the NPPF I understand from the Appellants evidence that the Council can no longer demonstrate a five year supply of housing land, a statement that has not been challenged by the Council. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
22. The appeal proposal would result in a new dwelling that appears both cramped and contrived, completely out of keeping with the urban grain and the prevailing rhythm and pattern of development in the area. It would represent a poor quality of urban design that fails to reflect, protect or enhance local distinctiveness or be compatible with its surroundings resulting in significant harm to the character and appearance of the area. It would also result in harm to the living conditions of existing and future occupiers. These adverse impacts lead to conflict with a number of

development plan policies which remain up to date as they are consistent with those in the NPPF and should be accorded significant weight. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.

23. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR