



Appeal Decisions

Site visit made on 3 June 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal A Ref: APP/U1105/W/25/3363078

10 Marine Parade, Budleigh Salterton, Devon EX9 6NS

- 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 Hugh McCormick against the decision of East Devon District Council.
 - The application Ref is 24/1832/FUL.
 - The development proposed is Replacement of existing single family dwelling and creation of 4 no. apartments.
-

Appeal B Ref: APP/U1105/W/25/3363293

10 Marine Parade, Budleigh Salterton, Devon EX9 6NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Dr Hugh McCormick against the decision of East Devon District Council.
 - The application Ref 24/2661/FUL was approved on 27 February 2025 and planning permission was granted subject to conditions.
 - The development permitted is Terraced landscaping to rear garden
 - The conditions in dispute is No 4 which states that *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within Class E, Part 1, Schedule 2 of the Order, located within areas where the ground level/height granted under this planning consent would be raised, shall be carried out without the prior written approval of the Local Planning Authority'*.
 - The reasons given for the condition is: *'To protect the character and appearance of the conservation area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East and Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031'*.
-

Appeal A: Decision

1. The appeal is dismissed.

Appeal B: Decision

2. The appeal is allowed and the planning permission Ref 24/2661/FUL for terraced landscaping to rear garden at 10 Marine Parade, Budleigh Salterton, EX9 6NS granted on 27 February 2025 by East Devon District Council, is varied by deleting condition 4.

Preliminary Matters

3. Whilst the two appeals are for the same site, I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together except where otherwise indicated. There are also two other appeals for the site which are the subject of separate decisions. These are for

proposed single storey rear extensions and a 2nd floor rear extension¹; and a proposed self-build dwelling².

4. The National Planning Policy Framework (the Framework) was revised in February 2025. The reasons for refusal in Appeal A refer to paragraphs 115, 205, 206, 208 and 213 of the 2023 Framework the wording of which is now found in a revised paragraph 116 and in paragraphs 212, 213, 215 and 220 of the 2025 Framework. I have determined the appeal accordingly.
5. The evidence including proposed ground floor plan 0467_A_MAR_PL_2.0 revision B submitted with Appeal A suggests that retaining walls or other structures would be created in the garden north of the proposed building. Although Appeal B relates to the Council's separate granting of planning permission for terraced landscaping of the rear garden, retaining walls do not form part of the description of development on either the planning application form or on the Council's decision notice for Appeal A. Nor have detailed plans of such works been provided with the appeal proposals. I have therefore proceeded on the basis that retaining walls do not form part of the appeal proposals and have determined Appeal A accordingly.

Main Issues

6. The main issues in Appeal A are
 - Whether the proposal would preserve or enhance the character or appearance of the Budleigh Salterton Conservation Area (CA);
 - The effect of the proposals on the living conditions of the occupiers of neighbouring dwellings with regard to privacy, outlook and daylight;
 - Whether the proposal would provide acceptable living conditions for the future occupiers of the development with regard to noise and for future occupiers of the proposed ground floor apartment with regard to daylight and outlook;
 - Whether the proposed development makes suitable provision for the parking of vehicles including its effect on highway safety; and
 - The effect of the proposal on the East Devon National Landscape.
7. Turning to Appeal B, the Council has granted planning permission³ for the terraced landscaping of the existing rear garden on the site. Five conditions were imposed including condition 4. This prevents the use of permitted development rights under Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) within areas where the 'ground level/height' granted under that permission would be raised without the prior written approval of the Local Planning Authority. The reason for the condition is to protect the character and appearance of the CA.
8. Against this background, the main issue in Appeal B is the effect that removing the condition would have on the preservation or enhancement of the character or appearance of the CA.

¹ APP/U1105/W/25/3363776

² APP/U1105/W/25/3363777

³ LPA reference 24/2661/FUL

Reasons

Appeal A

Conservation Area

9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.
10. The Budleigh Salterton CA was designated in 1983. The CA Appraisal⁴ indicates that it gains its significance from the early 19th century when the beginnings of the present town were established and many substantial villas were built. The part of the CA around Marine Parade and Lower Fore Street is noted for having an 'unashamedly' seaside frontage of large villas and flats with low-key evidence of commercial uses. Significance is gained from the rich ornamental detail which many of the buildings in the CA exhibit. The pine trees, cypresses and exotic shrubs which benefit from the town's southerly aspect are also part of the character of the CA as are the sloping spacious gardens which rise up beyond the villas fronting Marine Parade.
11. Located in a central part of Marine Parade, No 10 is a two storey, double gabled early 20th century domestic villa facing onto the sea front. It is not identified in the CA Appraisal as a key building or significant contributor to the townscape and the evidence indicates that the building no longer has its original boundary wall or windows and the verandah has been infilled. Nevertheless, its pitched slate roofs, light coloured render and distinctive chimney stacks, combined with its characteristic villa design and seafront position means it contributes positively to the character and appearance of the CA as a whole.
12. It is built into a steep rear garden which rises above a retaining wall. Steps lead to a gated pedestrian access on to Madeira Walk, a pedestrian walkway running along the rear of the properties fronting Marine Parade. The elevated position of Madeira Walk permits views of the sea across and between the rear elevations of the buildings fronting Marine Parade which contributes to the significance of the CA. Similarly, the gaps between the buildings on Marine Parade permit glimpses of the rear gardens, trees and shrubs on the slopes above Marine Parade. This also contributes to the character and appearance of the CA and its significance.
13. The proposal would result in the demolition of the existing dwelling and its replacement with a part three and a half storey, part four storey building comprising four apartments. The four storey flat roof rear elevation would appear as a substantial rectangular block, the mass of which would extend across the full width of the building. The scale and form of this flat roof block would not reflect the prevailing character of the largely slate tiled, pitched roofs along Marine Parade and the wider CA.
14. The harmful effect that this would have on the CA would be exacerbated by the two proposed rectangular, flat roof projections on the west and east elevations. Whilst the main roof of the proposed building would be comparable in height to the buildings immediately adjacent to it when viewed from the south, these features would protrude above the main roof line of both the proposed building and the

⁴ Budleigh Salterton Conservation Area Appraisal 2007

adjoining buildings. They would not reflect the character of the Victorian villas and would have a harmful effect on the appearance of Marine Parade and its roofscape. By being positioned adjacent to the site boundaries they would close some of the space which currently exists between the upper floors of the existing building and the site boundaries. The views of the beach and the sea which can currently be gained from the higher land to the north would be restricted as a result.

15. Whilst the proposed gables in the south elevation to some extent reflect the style of the existing building, their height and close proximity to each other would accentuate the increased bulk of the new building compared to the existing villa. Combined with the proposed use of grey brickwork and tiles, this would jar with the character and appearance of Marine Parade and the distinctive, predominantly light rendered and painted finish of the villas along it.
16. Combined with the loss of the pitched roofs and chimney stacks which contribute to the character of No 10 and its positive contribution to the CA, the design and mass of the building would therefore have a harmful effect on the character and appearance of the CA. This would be particularly evident in views from Madeira Walk despite the presence of boundary walls and fences along its southern edge. It would also be evident in oblique views of the building from Marine Parade where the block-like mass of the side and rear elevations of the proposed building would be visible.
17. Whilst the building on the western side of the site, Marine Court, has an area of flat roof visible from Madeira Walk, the Framework makes clear that not all elements of the CA necessarily contribute to its significance. That is the case with Marine Court. Moreover, each proposal should be considered on its individual merits and whilst there may be no overriding architectural style along Marine Parade and some roof forms vary, this does not justify the harm to the CA which would be caused by the proposal.
18. I have given careful consideration as to whether appropriate planning conditions could be imposed to secure different materials and the landscaping of the proposed parking area if I were minded to allow the appeal. Whilst it may be reasonable to impose such conditions, they would not overcome the harm which I have identified.
19. For the reasons given, the proposed development would not preserve or enhance the character or appearance of the CA as a whole and would cause a moderate level of harm to its significance. Although the level of harm would be less than substantial and would be towards the middle of the scale of less than substantial harm, it is nevertheless of considerable importance and weight. In accordance with paragraph 215 of the Framework and East Devon Local Plan 2016 (EDLP) policy EN9 it should be weighed against the public benefits of the proposal. That balancing exercise must take place in the context of the Act which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a CA.
20. Turning to the public benefits, the proposal would contribute four energy efficient, smaller homes on previously developed land to the Council's housing supply. The Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area. Therefore, the small

net addition to the supply of housing would be a moderate public benefit which due to its use of previously developed land attracts substantial weight in favour of the development. The modest public benefit to the local economy arising from the construction of the development and from the support which future occupants may give to local businesses and services attracts moderate weight in favour of the proposal.

21. However, the totality of the public benefits does not provide the clear and convincing justification for the less than substantial harm to the CA, the conservation of which the Framework requires me to assign great weight.
22. In conclusion, the proposal would not preserve or enhance the character or appearance of the Budleigh Salterton CA. Therefore, it conflicts with Strategy 6 and policies D1, EN9 and EN10 of the EDLP and policies B1, B3 and H2 of the Budleigh Salterton Neighbourhood Plan 2017-2030 (BSNP) in so far as they require that proposals do not adversely affect the distinctive historic character of the area and preserve or enhance the character or appearance of the CA. It would also conflict with the Framework's policies to conserve and enhance the historic environment and with the duty under the Act to pay special attention to preserving or enhancing the character or appearance of the CA.

Living conditions of occupants of neighbouring dwellings.

23. No 11B Marine Parade has an amenity space adjacent to the boundary which is enclosed by a high retaining wall on its northern side and a boundary wall and external stairway on its western boundary. The proposal would result in a substantial increase in the height and mass of building closer to the eastern boundary of the site than currently exists. This would have a dominating impact on the amenity space and would lead to a reduction in daylight and sunlight reaching the space from the west.
24. Whilst there is an existing first floor bedroom window in No 10 facing towards the amenity space, the proposed balconies in the north elevation of the proposed apartments would allow occupants of the apartments to have elevated views down into the amenity space of No 11B and across into the separate terraced garden above. Although the views would be oblique and some degree of overlooking is to be expected in a built up location, there would nevertheless be an increased loss of privacy to the users of those amenity spaces.
25. The north western corner of the proposed building would not project significantly beyond the northern elevation of Marine Court. As a result of this and the proposed building being set in from the boundary, the proposal would not have an unacceptable overbearing effect on the occupants of Marine Court. Whilst Marine Court also has a lawned garden on its northern side sloping up to Madeira Walk, the existing trees within the grounds of Marine Court adjacent to the boundary with No 10 would obscure views from the rear windows and balconies in the proposed development. This would prevent a harmful loss of privacy to the users of the garden space.
26. Nevertheless, for the reasons given, the proposal would cause a moderate level of harm to the living conditions of the occupiers of neighbouring dwellings. It therefore conflicts with EDLP policy D1 in so far as it only permits proposals where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Living conditions of future occupants.

27. Whilst the plans do not include full details of any alterations to the garden site levels or any required retaining walls, the topography of the site means that the north facing windows and doors in the proposed ground floor apartment would face directly onto a steep slope. The plan of the proposed east elevation indicates that the slope would be contained by a substantial wall close to the rear elevation of the proposed ground floor apartment. Coupled with the northerly outlook from the windows and doors of the ground floor apartment, this would severely limit the amount of daylight reaching those rooms. Whilst the rooms are bedrooms, they are nevertheless habitable rooms and a moderate level of harm would be caused to the living conditions of the future occupiers of the apartment as a result of the lack of sunlight and daylight.
28. The evidence before me does not demonstrate the noise levels which might be generated by the proposed lift. The appellant, however, has suggested that a noise assessment could be secured via an appropriately worded planning condition if the appeal were to be allowed. Such a condition would be reasonable.
29. However, for the above reasons, the proposal would nevertheless fail to provide acceptable living conditions for the future occupiers of the proposed ground floor apartment in conflict with EDLP policy D1 in so far as it requires development proposals to incorporate features that maintain good levels of daylight and sunlight in to buildings.

Highway

30. Marine Parade is described by the Highway Authority as a seasonally busy B classified road. During my site visit I saw a steady flow of traffic in both directions along the road. Opposite the site, the southern side of Marine Parade is used for pay and display public parking.
31. The proposed parking spaces would be located perpendicular to Marine Parade and sited in front of the proposed bin and bicycle stores. An absence of on-site manoeuvring space means that vehicles parked on site would not be able to enter and exit the site in a forward gear. As a result, vehicles which entered the parking spaces in a forward gear would be required to reverse on to the highway to exit the site.
32. The plans do not demonstrate how drivers of vehicles exiting in reverse gear would be able to see oncoming traffic. I saw on my site visit that their visibility would be obstructed by timber fencing along the western and eastern side boundaries. I also saw that there is vegetation, a gate post and fencing immediately beyond the eastern site boundary which would also impede visibility. Even though Marine Parade is subject to a 20mph speed limit, the lack of clear visibility means that vehicles reversing out of the site into passing traffic, even if only moving at 20mph, would cause a hazard to the occupants of those vehicles and to other road users on Marine Parade.
33. In order to exit the site in a forward gear, vehicles would need to reverse into the proposed parking spaces. This would require manoeuvres to be carried out on the highway to enable drivers to position their vehicle so it could be reversed into an available on site space. For vehicles approaching from the east, this would be

likely to result in them reversing across the eastbound lane which would present a hazard to oncoming traffic.

34. Whilst five cars may have been parked on the site in association with the current use as a single dwelling, I have not been provided with clear evidence of that parking arrangement and how it operates. The building was vacant at the time of my visit and I did not see any parking spaces marked out on the existing forecourt. The use of the spaces to provide parking for four apartments rather than a single dwelling would change the nature of its use with separate vehicle movements being generated by the additional households. Even though the existing site may be able to accommodate the same number of cars as is proposed in the appeal scheme, on the evidence before me that does not justify the harm to highway safety which would arise from the proposed development.
35. Although other properties in Marine Parade may have limited on-site manoeuvring space requiring vehicles either to reverse in to or out of the site, I am not aware of the details of the parking arrangements for those sites or their planning context. I recognise that on street manoeuvres might be carried out by vehicles accessing or exiting the on street parking spaces along the southern side of Marine Parade and this may slow down traffic on the highway. However neither this nor the parking arrangements for other properties along Marine Parade justifies the substantial level of harm to highway safety which would arise from the proposal which I have considered on its individual merits.
36. As a consequence, for the reasons given the proposal would not make suitable, safe provision for the parking of vehicles in conflict with EDLP policy TC7 which requires that new development is not detrimental to the safe and satisfactory operation of the highway network. For the same reason, the proposal's unacceptable impact on highway safety would conflict with the Framework's policy to ensure safe and suitable access to the site can be achieved for all users.

National Landscape

37. The East Devon Area of Outstanding Natural Beauty Partnership Plan 2019-24 indicates that the National Landscape is notable, amongst other things, for its varied and dramatic coastal scenery, the grandeur of sheer red sandstone cliffs, intimate wooded combs and coves. Whilst the Partnership Plan indicates that built development, including new housing, is a key force for change in the National Landscape, I have not been directed to any specific key characteristics of the National Landscape which the Partnership Plan seeks to conserve and which would be harmed by the scheme.
38. The proposed development would be viewed largely in the context of other built development around it. Although the increase in the width of building on the site would reduce the already limited views of its terraced rear garden from Marine Parade, the pine trees on the higher ground above the site, which are part of the landscape character of the sea front, would remain visible from Marine Parade and Madeira Walk.
39. The constructed form, layout and appearance of the existing garden means it is not a natural landscape feature. Combined with its position between existing buildings in a town, this means the site does not form part of the natural beauty of the National Landscape. Moreover, the planning permission referred to in Appeal B, if implemented, already allows the remodelling of the rear garden through the

construction of new terracing. Notwithstanding this, if the appeal were to be allowed, a landscaping condition could be imposed to secure some enhancement of the existing garden area, including its biodiversity, and thereby provide a limited improvement to the character of the landscape immediately adjacent to the proposed building.

40. For the above reasons, the development would conserve the East Devon National Landscape. As a consequence, it would accord with EDLP policies Strategy 6 and D1 in so far as they require that new development should not harm important landscape characteristics and with BSNP policy H2 which seeks to conserve the landscape and scenic beauty of the National Landscape.

Appeal B

41. The significance of the CA as a heritage asset and the statutory duty in the Act is as set out above for Appeal A.
42. The existing, steeply rising rear garden has steps leading up to a timber outbuilding situated on a surfaced area in the north eastern corner of the site adjacent to Madeira Walk. The neighbouring property to the east has a similar terraced garden with paved amenity area and outbuilding at its northern end adjacent to Madeira Walk.
43. The remodelling of the existing sloping garden would create more distinct terraces with a substantial raised platform, to be enclosed by timber balustrading, at the northern end of the site. However, the new terraces would not be prominent in views southwards from Madeira Walk due to the existing boundary enclosures and would be largely screened from views along Marine Parade by the existing buildings along the sea front. Together with its position between existing residential properties and their own sloping gardens, which also contain terraces or retaining walls, this means that the proposed terracing would not cause harm to the character or appearance of the CA as a whole.
44. The Council's officer report suggests that an outbuilding erected under Class E on the proposed raised land would be likely to be significantly more prominent in viewpoints from Madeira Walk. However, I have not been provided with any compelling evidence to demonstrate this. The existing outbuildings on the terraced areas at the northern end of the appeal site and on the adjoining property do not intrude significantly into the views from Madeira Walk due to the existing boundary enclosures and vegetation. Nor are they prominent in views from Marine Parade due to the buildings which front the road.
45. Class E provides limitations on the height of structures which can be built under that Class. This includes not permitting buildings which would have more than a single storey. The evidence before me does not demonstrate why a development in this particular location which complies with the requirements of Class E would nevertheless fail to preserve or enhance the character or appearance of the CA. The clear justification for the condition which the Framework requires is absent as a result.
46. Whilst the GPDO applies some restrictions to permitted development under Class E in CAs through paragraph E.3., it accepts the principle of development within CAs provided it meets the limitations of Class E. Class E would not permit development which is not required for purposes incidental to the enjoyment of the

dwellinghouse as such. As a consequence, development carried out under Class E would not permit a separate new dwelling which might otherwise constitute inappropriate garden infill or 'backland' development.

47. Condition 4 also includes a 'tailpiece' phrase indicating that the Council may approve structures without following the statutory routes to vary conditions. Whilst I have the power to amend the wording of the condition if I were minded to allow the appeal, the use of an informal approval process such as that suggested by the condition is not a reasonable approach.
48. Overall, therefore, I conclude for the reasons given that the disputed condition is not reasonable or necessary in order to preserve or enhance the character or appearance of the CA. The development without the disputed condition would therefore comply with EDLP policies D1 and EN10 in so far as they seek to ensure that development does not adversely affect the CA.
49. Whilst not referred to in the Council's reason for condition 4, for the above reasons the proposal would also comply with BSNP policy B1 regarding the identity of the town and its sea front.

Other Considerations

Appeal A

50. The site lies within the 10km buffer zone of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Exe Estuary SPA. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first four main issues, it is not necessary for me to consider this matter in any further detail.
51. Whilst it has been suggested that the existing building suffers from structural issues including poor foundations, leaking roof, subsidence and asbestos I have not been provided with detailed evidence to demonstrate this. Notwithstanding this, such issues do not justify the harm which would be caused by the proposal.
52. Although the proposal would provide four smaller dwellings in place of the existing large single dwelling and provide opportunities for downsizing, there is no legal agreement before me to secure affordable housing. Therefore, little weight can be given to the suggestion that the site might provide affordable housing for local people.

Appeal B

53. I have screened Appeal B to determine whether the proposal would have a likely significant effect on the qualifying features of the SAC and SPAs which would undermine their nature conservation interest. The South-east Devon European Site Mitigation Strategy indicates that the potential pathways of impact on the protected sites is through disturbance caused by recreational activities carried out by occupants of new homes being built in the vicinity of the sites and by visitors. As the appeal relates to the limitation of Class E permitted development rights within the curtilage of an existing dwelling, I am satisfied that it would not generate additional recreational pressure on the protected sites. As a result, it would not have a significant likely effect, either alone or in combination, on the protected

sites. The Council did not identify any significant likely effects of the proposal on the protected sites and I have found no reason to disagree.

54. Whilst the proposed raised terracing may facilitate overlooking of the rear windows of neighbouring properties, the existing garden and terracing to the rear of No 10 already permits some views into the rear of those properties. Madeira Walk also provides views into the rear of some of the properties along Marine Parade. The Council's officer report did not conclude that the development would result in a significant loss of privacy to adjoining properties and I have seen no compelling evidence to come to a different conclusion.
55. As is the case in Appeal A, the existing domestic garden, steps, terraces and outbuilding means the site does not have a natural appearance and as such does not contribute to the natural beauty of the National Landscape. The site sits between existing domestic gardens and its proposed remodelling would not cause harm to the National Landscape. The Council did not conclude that condition 4 was required to conserve or enhance the National Landscape and I have found no reason to disagree on this point.
56. I am aware of the other proposals for the site, including a self-build dwelling, which are the subject of the separate appeals referred to above. Whilst the appellant may have various other proposals for the site, these either are, or would be, the subject of separate processes and decisions. Although interested parties have suggested that the appeal proposal is an attempt to circumvent these other processes, I have determined the appeal on its individual merits based on the evidence before me.
57. I have not been provided with any clear evidence that the proposal would cause flooding. Moreover, condition 5 of the planning permission requires the provision of a surface water drainage scheme in order to manage flood risk.

Planning balance and conclusions

Appeal A

58. The Council can only demonstrate 2.97 years supply of deliverable housing sites which is well below the minimum level required. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.
59. Notwithstanding the Council's housing land supply shortfall, applying footnote 7 to paragraph 11d) i. of the Framework, the conflict with the Framework's policies for conserving and enhancing the historic environment provide a strong reason for dismissing the appeal. As a consequence, paragraph 11 d) ii. of the Framework is not engaged and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a key material consideration and conflict with its policies carries substantial weight against the proposal.
60. The proposal would cause less than substantial harm to the significance of the CA. A moderate level of harm would also be caused to the living conditions of the occupants of neighbouring dwellings and the living conditions of future occupiers of the proposed ground floor apartment. The proposed parking arrangements would result in substantial harm to highway safety. As a consequence, the

proposal conflicts with Strategy 6 and policies D1, EN9, EN10 and TC7 of the EDLP and policies B1, B3 and H3 of the BSNP.

61. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the desirability of new development making a positive contribution to local character and distinctiveness and has policies for conserving and enhancing the historic environment and securing a high standard of amenity for existing and future users. It also requires safe and suitable access for all users. Hence the development plan policies referred to above are consistent with the Framework and the conflict with them should be given substantial weight in this appeal.
62. Whilst the proposal complies with some development plan policies, the harm that I have identified is sufficient to cause conflict with the development plan when read as a whole. I have referred to the benefits arising from the proposal when undertaking the heritage balance in the first main issue. The proposal conflicts with the development plan and the material considerations including the economic, environmental and housing supply benefits stemming from the proposal do not indicate that the appeal should be decided other than in accordance with it. The presumption in favour of sustainable development in the Framework does not apply in this appeal.
63. Appeal A would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Appeal B

64. For the reasons given above in respect of Appeal B, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

R Kent

INSPECTOR