
Appeal Decision

Site visit made on 9 July 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/P1133/W/25/3363837

Higher Colleybrook Farm, Ideford, Chudleigh, Devon TQ13 0BG

- 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 Ms Jean Burman against the decision of Teignbridge District Council.
 - The application Ref is 19/02077/FUL.
 - The development proposed is the construction of dwelling and associated works together with provision of a car port
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Decision

1. The appeal is allowed and planning permission is granted for the construction of dwelling and associated works together with provision of a car port at Higher Colleybrook Farm, Ideford, Chudleigh, Devon TQ13 0BG in accordance with the terms of the application, Ref 19/02077/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The above description is taken from the decision notice, in the interest of clarity.
3. I have removed working that does not describe development. This includes the word retrospective, however, for the avoidance of doubt, I saw on site that the dwelling is in place, in accordance with the plans before me, however the proposed car port has not been erected. I have therefore considered the appeal on the basis that the development has already partly taken place.
4. Planning permission was originally approved for a new dwelling on this site in 2018¹. Planning permission was then granted in July 2018² for a revised design. The dwelling constructed on site did not accord with these approved plans. The proposal before me is to regularise this position and gain consent for the scheme as mostly built.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is neighboured by some residential properties but has undulating open fields to the north and east. This informal edge of settlement pattern of

¹ Application reference 17/01849/FUL.

² Application reference 18/00687/FUL

development across the rolling countryside creates a pastoral and rural character, reflected in its local designation as an Area of Great Landscape Value (AGLV).

7. The appeal property is a large two storey dwelling with a contemporary appearance, finished in a variety of materials from stone, timber cladding and render with extensive glazed elements.
8. I observed that the gates constructed in the south western boundary of the site are painted timber with white square decorative elements, approximately 2m in height, and along with rendered piers and stone boundary wall, in keeping with the materials and contemporary character of the dwelling. They are seen in the context of the substantial dwelling and have a limited visual effect.
9. The gate and piers do not therefore appear incongruous nor detrimental to the wider character of the surroundings, including that of the AGLV.
10. I conclude that the development does not harm the character and appearance of the area. There is therefore no conflict with Policies S1, S2 and EN2A of the Teignbridge Local Plan 2013-2033 (TLP), which collectively require high quality design that maintains or enhances the character of affected landscapes.

Other Matters

11. The appeal site is located within 10 kilometres of the Dawlish Warren Special Area of Conservation (SAC) and the Exe Estuary Special Protection Area (SPA) and Ramsar site.
12. The qualifying features of the SAC include white dunes, grey dunes, humid dune slacks and petalwort. The qualifying features of the SPA include avocet, Slavonian grebe, dark-bellied brent goose, dunlin, oystercatcher, black-tailed godwit, grey plover, and the overwintering assemblage of over 20,000 migratory waterfowl. The sites' conservation objectives seek to ensure that their integrity is maintained or restored as appropriate, with the SPA and Ramsar site contributing to the aims of the Wild Birds Directive and the SAC contributing to achieving favourable conservation status of its qualifying features.
13. The evidence before me indicates that additional accommodation within 10 kilometres of these designated sites adds to the existing issues of damage and disturbance arising from recreational use at the sites. A likely significant effect therefore cannot be ruled out. An appropriate assessment is therefore required under the Habitat Regulations 2017 (as amended).
14. As set out in the Council's guidance, the effects of development can be mitigated by developers providing a financial contribution towards mitigation measures – ranging from on-site management, education and enforcement to the creation of alternative recreation space.
15. A Habitat Mitigation Contribution of £943 was previously paid for previous applications on this site. This is in accordance with the contribution per unit (for 2019, when the application was submitted) set out on the Council's website. Natural England are content with this payment.
16. As the competent authority, I am therefore satisfied that with the proposed mitigation, the development does not have an adverse effect on the integrity of the designated sites.

17. The proposal therefore complies with the Conservation of Habitats and Species Regulations 2017 (as amended) and TLP Policies EN8 and EN10. Amongst other aspects, these seek to protect the area's biodiversity, including in designated wildlife sites.
18. Given the size of the access, the kerb and position of a lamppost, the gates are unlikely to be used by vehicles which are likely to use the wider main gates. As such, the gates will not result in conflict between user of the gates and the adjacent public footpath.
19. The proposed car port is of a modest scale that would be seen in the context of the substantial main house. It sits comfortably within the surrounding area. The timber cladding at first floor level helps break up the massing of the building and appears appropriate in the rural surroundings. Given the significant separation distances the first floor fenestration does not lead to any unacceptable levels of overlooking for any neighbour.
20. A condition relating to drainage is proposed, as discussed below, in order to ensure that the development does not result in unsatisfactory surface water issues.

Conditions

21. I have considered the suggested conditions in light of the Planning Practice Guidance (PPG) and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
22. As the proposal is partly retrospective, a plans condition is appropriate in order to ensure the remaining development, as specified in the preliminary paragraphs above, is carried out in accordance with the plans.
23. Given the edge of settlement location of the appeal site, a condition relating to external lighting is appropriate in the interest of ecology.
24. As set out above, a condition relating to drainage is necessary, in order to ensure that drainage channels to both vehicular entrances are installed. The appellant claims that these works have been undertaken, however no evidence of this is provided, and I note third party letters raising the issue. In any case, a condition will ensure that the works are retained. Any issues of non-compliance is a matter between the main parties. There is a strict timetable for compliance because permission for the dwelling is being granted partly retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the drainage matters before the development takes place and the property is lived in. The condition will ensure that the development can be enforced against if the requirements are not met.
25. Any formation of an independent separate unit of accommodation would require further permission. As such a condition restricting this would not meet the test of necessity. Similarly, the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances.
26. The Council have not provided this clear justification in this instance and as such the suggested condition removing permitted development rights is not appropriate.

27. I observed that the full-length window on the south west side elevation is obscure glazed. In order to protect the privacy of the adjacent neighbour, a condition to ensure that this remains is necessary.

Conclusion

28. For the reasons above, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of conditions

- 1) The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:
200_01 REV C, 200_12 K, 200-13, 200-14, 200-15, 300_04 Rev D, 300_05 Rev E 300_06 REV B, 200-11 REV B, 3001 A.
- 2) Prior to the installation of any exterior lighting on the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.
- 3) Within three months of the granting of this permission, the drainage channels to both vehicular entrances, as shown on the proposed drainage and landscaping plan (drawing number 200_12 revision K), shall be installed and retained for the lifetime of the development hereby approved. The use of the dwelling hereby permitted shall cease within 90 days of the date of failure to meet this requirement. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 4) The full-length window in the south west elevation of the dwelling hereby approved shall be non-opening and fitted with level 3 obscure glazing with no gaps or clear areas, and shall thereafter be maintained and retained in that condition.

End of schedule