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## Appeal Decision

Site visit made on 4 September 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

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### Appeal Ref: APP/P1133/W/25/3365959

### Homefield, Ideford, Chudleigh, Devon TQ13 0BH

- 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 Mr Steve Morrell against the decision of Teignbridge District Council.
  - The application Ref 24/01735/HOU was approved on 26 February 2025 and planning permission was granted subject to conditions.
  - The development permitted is erection of two storey side extension.
  - The conditions in dispute are No's 10 and 12 which state that: (condition 10) the extension shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling 'Homefield' and shall not be used for any commercial or trade purposes, or let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation; and (condition 12) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, AA, B, C, E, F of Part 1 and Classes A and C of Part 2 of Schedule 2 (which includes extensions, roof extensions, outbuildings, hard surfaces, boundary treatments and exterior painting) shall be undertaken on the premises (other than those expressly authorised by this permission).
  - The reasons given for the conditions are: (condition 10) In accordance with the application submission and in the interests of residential and local amenity; and (condition 12) To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.
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### Decision

1. The appeal is allowed and the planning permission Ref 24/01735/HOU for erection of two storey side extension at Homefield, Ideford, Chudleigh, Devon TQ13 0BH, granted on 26 February 2025 by Teignbridge District Council, is varied by deleting conditions 10 and 12.

### Preliminary Matters

2. The Council's appeal statement refers to policies contained within the emerging local plan. However, I note that the emerging plan is still at examination, and as such, it is not yet at an advanced stage of preparation and any objections to the proposed policies would not yet have been fully resolved. I have therefore assessed the proposed development against the adopted policies that are also provided within the Council's statement. That said, the relevant emerging policies contain similar provisions to the currently adopted policies. As such, affording greater weight to the emerging policies would not have changed the outcome of this appeal.

### Background and Main Issues

3. Planning permission has been granted for a two storey side extension to the existing dwelling. The appeal seeks permission to carry out the development

without complying with condition 10 which seeks to limit occupation of the extension, and condition 12 which removes permitted development rights. The main issues are therefore: (i) whether limiting occupation is necessary to ensure that the development conforms with the Council's spatial strategy; and (ii) whether the removal of permitted development rights is necessary to preserve character and appearance.

## **Reasons**

### *Condition 10 - Occupancy*

4. The Council's reason for imposing condition 10 was to ensure that the development complied with the application and to preserve residential and local amenity. It is not clear to me how this condition protects amenity, or indeed what type of 'amenity' it is seeking to preserve. As such, the condition could be considered to not be precise.
5. Irrespective of that issue, and on reading the Council's appeal statement, it is clear that their concern relates to the potential for the extension to be utilised as a separate dwelling which would conflict with the adopted spatial strategy for the area. I acknowledge that the extension would have limited internal connections with the existing dwelling, and that it contains separate living spaces. In theory therefore, it would be relatively easy to sub-divide the property into two dwellings. I note that the Council has also raised concerns about the prospects of the appellant seeking to implement an additional access from the road.
6. However, any notion that the appellant intends to sub-divide the property in future is pure speculation. Indeed, the appellant has set out that the extension was designed with a multi-generational living arrangement in mind. Moreover, the planning permission was clearly for a two storey side extension. As such, following the completion of the works, the property would remain as a single planning unit. Should the appellant wish to sub-divide the property into two planning units in future, they would be required to submit a planning application to do so. As a result, the occupation of the extension is already sufficiently controlled.
7. I therefore conclude that the condition is therefore not necessary in order to ensure that the development would conform with the Council's spatial strategy. The development without the disputed condition would therefore comply with Policy S22 of the Teignbridge Local Plan 2013 – 2033 (the LP). The relevant aspects of this policy seek to restrict new developments in countryside locations, while allowing other forms of development including alterations and extensions to existing dwellings.

### *Condition 12 – Permitted Development Rights*

8. It is noted that the appeal site is located within an Area of Great Landscape Value (AGLV). Furthermore, the Council has stated that their Landscape Character Assessment (LCA) identifies that the site is located within Devon Character Area 30: Haldon Ridge and Landscape Character Type (LCT) 3B: Lower Farmed and Settled Valley Slopes.
9. Haldon Ridge is noted as being one of the most prominent landscape features in the district. In this area, the LCA notes that development on prominent ridges and valley sides should be avoided. Furthermore, in relation to LCT 3B, it is stated that

large extensions to existing houses in this location can result in visual intrusion. I do not disagree with the conclusions of the Inspector in a previous appeal who stated that the site is prominent within the surrounding landscape<sup>1</sup>. This evidence is clearly an important consideration.

10. However, I have also carefully considered the appellant's submitted Landscape Appraisal which was prepared to support the original planning application (the LA, Swan Paul Partnership February 2025). The LA concludes that the extension, which was subsequently permitted by the Council, could be achieved without substantial harm to local landscape character and views. Indeed, it states that the extension would not change existing field or hedge patterns and would not result in visual intrusion.
11. Furthermore, the LA establishes that public views of the site are fairly limited and include fleeting views from the site entrance, as well as longer range views. I note that the Council has concerns about the LA, in particular that they consider that it is overly reliant on the baseline information provided. However, having considered the methodology used, I do not see reason to disagree with the conclusions reached within the document. I can also see no reason to assume that the sort of works that would be possible under permitted development would lead to different conclusions.
12. Moreover, it is clear that the Government did not choose to prevent the use of permitted development rights in areas such as an AGLV. In essence, the sort of works that are achievable under permitted development are not considered to be unduly harmful. Furthermore, Planning Practice Guidance is clear that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness and necessity.
13. Taking all of these factors into account, I cannot conclude that the implementation of the permitted development rights listed within the condition would likely lead to unacceptable harm in relation to character and appearance. As a result, I conclude that the condition is not reasonable or necessary. Therefore, taking account of the possibility of future permitted development works, I find that the development without the disputed condition would conform with LP Policies S22, WE8 and EN2A. The relevant aspects of these policies seek to preserve character and appearance, including landscape character in an AGLV.

## **Conclusion**

14. For the reasons given above, I conclude that the appeal should be allowed and I vary the planning permission by deleting both of the disputed conditions.

*C Butcher*

INSPECTOR

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<sup>1</sup> Appeal ref: APP/P1133/W/23/3332627