



Appeal Decision

Site visit made on 9 September 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/Q1153/W/25/3365242

Hayes, Holebrook Lane, Exbourne, Devon EX20 3SJ

- 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 G Macklin against the decision of West Devon Borough Council.
- The application Ref is 2507/24/FUL.
- The development proposed is: Proposed detached dwelling on Land at Hayes.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used in the heading above is taken from the application form. This differs from the decision notice where the address is referred to as Land at Ss 603 021, Holebrook Lane, Exbourne EX20 3SJ. I am satisfied that these both refer to the same site and I have proceeded on this basis. I have used the original description of development as there is no evidence before me that an alternative has been agreed between the parties.

Main Issues

3. The main issues are:
 - Whether the proposal would meet housing need;
 - Whether the proposal would preserve or enhance the character or appearance and historic setting of the Exbourne Conservation Area;
 - The effect of the proposed access on the safety of pedestrians, cyclists and drivers using Holebrook Lane; and
 - The effect of the proposals on biodiversity.

Reasons

Housing Need

4. Policy DEV8 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP) requires housing sizes, types, and tenure to be appropriate to the area and supported by local housing evidence to ensure that there is a range of housing, broadening choice and meeting specialist need.
5. The data provided shows that the village has an overprovision of three-bedroom houses. The Council suggests that two-bedroom houses are normally regarded as a positive contribution to housing stock.

6. The proposals show a house which has two bedrooms on the first floor and a bedroom on the ground floor which is labelled as a bedroom/home office. The JLP Supplementary Planning Document 2020 (SPD) supports home working with one room being identified as an office as acceptable. As a result, in this context, the proposed house could be considered as a two-bedroom property with an office. Furthermore, the room on the ground floor could also be used as an additional reception room by future occupants.
7. Whilst I acknowledge that the proposed floor space exceeds the minimum requirements set out in the Technical Housing Standards – Nationally Described Space Standards (NDSS) for a three-bedroom dwelling, these standards are intended as baseline, minimum standards. Exceeding them does not automatically mean the property is too large to be considered a two-bedroom house with an office. Furthermore, I have not been provided with any policies that require new homes to comply with the NDSS when considering housing need.
8. The provision of a potential bedroom downstairs would also help to meet the needs of older people wishing to remain self-sufficient, a need also identified within Policy DEV8 of the JLP.
9. The proposal would result in a detached house on a plot which is of a reasonable size. However, given the constraints of the site, particularly the surrounding conservation area, I do not consider that the development of the site would represent an inefficient use of land. The development of the site would contribute to housing supply in the area, where there is currently a deficit.
10. Although the overall size of the dwelling exceeds the NDSS minimum for a three-bedroom property, its internal layout supports its classification as a two-bedroom house with a study. This contributes positively toward addressing the local need for two-bedroom homes and therefore aligns with Policy DEV8 of the Joint Local Plan.
11. Policies SPT1 and SPT2 of the JLP are included within the reason for refusal. The officer report states within the Principle of Development/Sustainability section that the development would accord with the provisions of both these policies. In the refusal reason SPT1 2i is specifically referenced. This states that with reference to sustainable development, neighbourhoods and communities will have a mix of local services and community assets, and accessible greenspace, which meet the needs of local people. Although the policy does not specifically mention housing, and even if housing is considered part of local services and community assets, the proposal would still accord with Policy DEV8 and therefore I find no conflict with Policy SPT1 in this regard.
12. With regard to Policies SPT2 parts 2,4 and 5 are referenced. Part 2 supports higher density living, as well as appropriate opportunities for home working. Part 4 relates to housing balance and meeting identified housing needs and part 5 relates to well-balanced demographic profiles. For the reasons given above I find no conflicts with these policies.

Character and Appearance

13. The appeal site is within the Exbourne Conservation Area (CA). The site is currently an open grassed area adjacent to The Orchard, a relatively new dwelling.

14. As the site is free from development it contributes to the sense of space and rural character on the junction with Holebrook Lane. When travelling down Fore Street there are verdant views across the site to the open countryside beyond the village.
15. When considering the previous appeal on this site the Inspector also noted the verdant setting of the settlement on approach from the north-east along the lane. He considered that the proximity of the site to the countryside and its spacious verdant character formed an important transition from the countryside to the more historic tight knit character at the centre of the village. These elements combine to form the significance of the CA. Having reviewed the evidence and from my observations on my site visit I would concur with this conclusion.
16. The previous proposal was dismissed due to the harm to the CA and was for a larger dwelling set closer to the boundary. The dwelling proposed as part of this appeal remains a two-storey dwelling, although the height and massing are reduced to single storey on one side. However, despite being set away from the boundary the two-storey element remains within the more sensitive open area of the site. This together with the detached garage proposed in a prominent position at the front of the site would still have an effect on the important views across the site which have been established to form an important part of the character of the CA.
17. The historic map provided appears to show some form of past development on the site. The scale of any buildings is not clear from the plan. Even if there were further evidence that there had historically been buildings on the site the context of the area has changed. The area was previously much more open and since then many other buildings have been constructed resulting in changes to the areas character.
18. It is acknowledged that the principle of development on this site for a house is acceptable. However, although there have been some changes to the proposals the concerns raised in the previous appeal have not been fully addressed. I therefore conclude that the proposal would adversely affect the significance of the CA and the contribution that the site makes to the wider setting. This would therefore fail to preserve the significance of the CA. The proposal would result in less than substantial harm, albeit towards the lower end of the scale.
19. In accordance with paragraph 214 of the National Planning Policy Framework (the Framework) where less than substantial harm has been identified it should be weighed against the public benefits of the proposal. Paragraph 212 of the Framework stipulates that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. Benefits of the scheme include the more efficient use of a site, the creation of a dwelling where there is a shortfall in supply, in a reasonably sustainable location, and the provision of an energy efficient building. The contribution of small sites to meeting housing supply is recognised. There would also be economic benefits associated with the use of local facilities by residents as well as during the construction phase. Whilst there are important public benefits the proposals are only for a single dwelling and therefore only attract moderate weight. Given the great weight that is attributed to the less than substantial harm to the CA, even if at the lower end, the public benefits do not outweigh this harm.

21. Overall, I find that the proposals would be detrimental to the character and appearance of the area as they would fail to preserve or enhance the character or appearance of the CA. Therefore, they would conflict with Policies DEV20, DEV21 and DEV23 of the JLP, which, amongst other things, require development to meet good standards of design, contribute positively to townscape and landscape, sustain local character and distinctiveness and where appropriate enhance its historic environment.

Access

22. The previous proposal for a dwelling on the site showed a shared access point with The Orchard. The approved details of the access to The Orchard are not before me, however, on site I observed a double gated access to the property adjacent to the location of the proposed access.
23. Comments from the Council's Highway Officer raise concern in response to the visibility from the proposed access. The comments also refer to the previous 2014 permission not showing any gates or obstructions.
24. While on site I observed that mirrors had been placed on the gate posts to The Orchard suggesting there are some existing visibility concerns. The visibility from the proposed access would be poor with limited sight lines available which are further compromised by the gates and gate posts erected at the neighbouring property.
25. Whilst the proposed arrangement may share similarities with the driveway at The Orchard this is not a sufficient reason to introduce a further unsafe access, particularly as there are indications that visibility at the existing access is not ideal. Whilst traffic speeds on the road may be low that would not entirely eliminate the risk in this instance.
26. I accept that there have been previous access arrangements proposed for a new dwelling on this site. However, from the details provided none are directly comparable to the situation proposed as part of this appeal. Even if there are similar accesses within the village these may be historic and I have not been provided with any recent comparable examples other than the adjacent site.
27. Paragraphs 115 and 116 of the Framework are specifically relevant with regards to highway safety. Paragraph 115b requires for safe and suitable site access for all users. Whilst the cumulative residual impacts on the road network may not be judged as severe the fact that it would have an unacceptable impact on highway safety provides justification for refusing the proposal on highway grounds in accordance with Paragraph 116 of the Framework.
28. I therefore find that due to poor visibility the proposal would provide an unsafe access to the detriment of cars, bicycles and pedestrians using Holebrook Lane, and would therefore conflict with Policy DEV29 which requires, amongst other things, the provision of safe and satisfactory traffic movement and vehicular access to and within sites.

Biodiversity

29. Policy DEV26 of the JLP states that development should support the protection, conservation, enhancement, and restoration of biodiversity. The site is not a protected European Site and is not designated as being nationally or locally

significant and therefore the elements of the policy relating to these areas are not applicable. Part 4 of the policy relates to protected species and part 5 seeks net gains in biodiversity.

30. In respect of protected species, the comments from the Council's Ecologist outline concerns in respect of the presence of reptiles on the site and that there was insufficient information to discount medium or large populations of slow worms. However, the Ecologist suggests that a standard reptile precautionary method statement using passive displacement methods under a watching brief could be secured by condition. Given the scale of the site and the proposal this is a proportionate response.
31. There are several other matters raised by the Ecologist which include further details of boundary treatments, details of lighting and provision of bat and bird boxes which would need to be required by condition. Subject to the approval of these details the aims of Policy DEV26 would be met in these regards.
32. Turning to the matter of Biodiversity Net Gain (BNG) the previous appeal accepted that as the proposal was not for major development the requirements of Policy DEV26 did not apply. It was however noted that DEV26.5 of the SPD encouraged minor development to deliver measurable net gain. Since that appeal was determined there is now a statutory requirement for sites, unless exempt, to provide 10% BNG.
33. The Ecological Impact Assessment (EclA) provided with the application includes an assessment of the baseline values and BNG calculations which show a 10.49% net change in habitat units and a 110.49% change in hedgerow units. The Council's Ecologist highlights that BNG enhancements cannot be secured within gardens and that a separate publicly accessible area for management would be needed. Within the EclA it is recognised that a legal agreement would be needed to secure the biodiversity units. No legal agreement to this end has been provided.
34. A second option suggested by the Council's Ecologist is the purchase of offsite biodiversity units from a private BNG provider or statutory credits from Natural England. In the final comments provided by the appellant they confirm that the 10% would need to be provided by off-site credits
35. The statutory framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. From the evidence provided, I see no reason as to why the mandatory 10% BNG could not be delivered through the purchasing of off-site credits. Therefore, subject to the discharge of the biodiversity gain condition, I am satisfied that the proposed development would not cause unacceptable harm to biodiversity.
36. Therefore, subject to these requirements, the proposal would not conflict with Policy DEV26 of the JLP which seeks to ensure that development proposals support the conservation of biodiversity and retain, protect, and enhance habitats of ecological interest.

Other Matters

37. Policy TTV25 is supportive of sustainable development in villages with the provision of circa 550 homes in the TTV Policy Area. In a sustainable village without a

neighbourhood plan, such as Exbourne, development will be supported which responds positively to the indicative housing figures. Exbourne has been identified as being able to accommodate 30 dwellings. I have not been provided with any information to indicate whether or not any other housing developments have been permitted in the village during the plan period. However, I am aware that the Council cannot currently demonstrate a five-year supply of housing.

38. Whilst the policy may be supportive of housing development in the village it also states that proposals will need to be considered against other policies within the plan. In this case it has been determined above that there is conflict with policies in respect of heritage assets and highway safety. This therefore reduces the weight of support from this policy.

Planning Balance and Conclusion

39. The Council cannot demonstrate a five-year supply of housing. However, I have found that the harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. As a result, there is conflict with the policies of the Framework that protect areas or assets of particular importance and provide a strong reason for refusing the development proposed. Therefore, irrespective of the housing land supply position, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
40. There are benefits arising from the proposal which have been identified above. However, in light of the relatively modest scale of the proposal, these benefits would be restricted in extent. The benefits arising from the proposal do not provide sufficient justification for a development that conflicts with the development plan and national policy when taken as a whole. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR