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## Appeal Decision

Site visit made on 29 September 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

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**Appeal Ref: APP/U1105/W/25/3369603**

**Land at Slade Farm, Slade Road, Ottery St Mary**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Simon Wagemakers, Ambergate Planning & Development against the decision of East Devon District Council.
  - The application Ref is 24/2515/PIP.
  - The development proposed is the construction of residential housing on land at Slade Road, Ottery St Mary.
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### Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 8 and a maximum of 9 dwellings at Land at Slade Farm, Slade Road, Ottery St Mary in accordance with the terms of the application, Ref 24/2515/PIP.

### Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as 'Application for Stage 1 approval in relation to' is not an act of development, I have removed this element.
3. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' stage (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.

### Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

### Reasons

6. The appeal site is an area of agricultural land located on the edge of the settlement of Ottery St Mary, but outside the designated Built-up Area Boundary (BuAB). Whilst not cited within the Council's decision notice, The Council's Officer

report outlines that Local Plan Strategy 7 of the East Devon Local Plan 2013 – 2031 (LP) prevents development in such countryside locations unless it is in accordance with specific Local or Neighbourhood Plan policies that explicitly permits such development. My attention has not been brought to any such policies, and the proposal would inevitably conflict with LP Strategy 7, which hasn't been refuted by the appellant.

7. Although to the edge of the settlement, due to hedge boundaries, open fields and lack of development to the east and south, the appeal site has a strong connection with the open countryside and a rural character. It also features some key characteristics of the 'Lowland Plains' character type as set out in the East Devon and Blackdown Hills Landscape Character Assessment 2019 it falls within. These include long views over hedges and a feeling of remoteness in some parts, despite the general level of development nearby.
8. The appeal site features rising topography and is elevated over adjacent properties. As such, the proposal would be visible from numerous viewpoints and would be particularly noticeable in near viewpoints along the access road, and glimpse views from Slade Lane and Knightstone Lane. However, development borders the appeal site on two sides. Given this relationship to the existing pattern of development, I see no reason why, even given the elevated topography, a layout, design, and appropriate landscaping cannot be achieved at TDC which would result in the proposal being seen as a natural rounding off of existing built form, as opposed to a significant incursion into the open countryside.
9. The East Devon National Landscape (NL) is located over a kilometre to the south of the appeal site. The statutory purposes of National Landscapes are to preserve and enhance their natural beauty. The Levelling-Up and Regenerations Act 2023 amends the duty on relevant authorities in respect of their functions to now "seek to further" the statutory purposes of protected landscapes.
10. Whilst longer distance views are available of the appeal site from the NL and elsewhere, the proposal would be seen in conjunction with existing development, and as part of the settlement. Subject to a suitable design, layout and landscaping being achieved at TDC stage, the proposal would not result in any harmful encroachment into the setting of the NL or wider landscape. As such, the proposal would not result in harm to the special qualities and the scenic beauty of the NL.
11. Notwithstanding, there would inevitably be some modest localised harm to the rural character of the area due to the introduction of residential built form on previously open agricultural land.
12. The findings of a previous Inspector<sup>1</sup> which included matters of character and appearance have been brought to my attention. The appeal proposal before me differs from that considered by the previous Inspector in that it relates to a far smaller number of dwellings, and smaller appeal site. Together, these are a material change in circumstances since the previous appeal.
13. As such, whilst the LVIA submitted in relation to the previous appeal did find moderate adverse effects, this was on the basis of a differing scheme and site with resultant differing visual impacts.

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<sup>1</sup> APP/U1105/W/15/3140719

14. In terms of best and most versatile agricultural land (BMV), the Framework clarifies in its glossary at Annex 2 that BMV equates to land falling within grades 1, 2, and 3a of the Agricultural Land Classification. The Council state that a majority of the appeal site is Grade 2 agricultural land, however this is refuted by the appellant who identify the land as being Grade 3 or Grade 2. The Natural England agricultural land classification data (LCD) provided to me in the evidence is not overly clear due to the scale of the plan but does indicate the appeal site to be either very good or good to moderate land.
15. Agricultural Land Classifications are broad brush and wide sweeping and not suitable for the definitive classification of individual fields or sites. However, even if the appeal site were Grade 2, LP Policy EN13 is permissive of proposals where, sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or the benefits of the development justify the loss of high-quality agricultural land.
16. The LCD indicates that there are no areas of lesser quality land surrounding Ottery St Mary. Irrespective, the Council can only demonstrate a 2.97 year housing land supply, which is a significant shortfall. As such, the provision of 8 or 9 dwellings to the areas housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.
17. To conclude, I find that the proposal would accord with LP Policy EN13 which seeks to conserve and protect the highest grades of agricultural land. However, when considered against the development plan as a whole, the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development. The proposal would conflict with LP Policy D1 and Policy NP1 of the Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 (NP). These policies seek, amongst other matters, to maintain the rural character of the area.

### **Other Matters**

18. As well as the main issue above, interested parties have raised a number of concerns about the scheme's effect on matters including highway safety, surface water and sewage systems, ecology, neighbouring occupiers living conditions and the capacity of education and health services.
19. The form, size and layout of the dwellings is a matter for TDC should I be minded to allow the appeal and are not matters to be considered at this stage. As such, the impact of the development on the living conditions of the occupants of neighbouring properties and matters in relation to highway access and safety, and surface water drainage and sewage systems are matters which would be addressed at the TDC stage if the appeal were to be allowed.
20. I have not been provided with substantive evidence of protected species on the site. The impact on biodiversity, including on bats, wildlife corridors and habitats, together with potential new planting, would also be a matter to be addressed at TDC stage if I were minded to allow the appeal.

21. Similarly, I have not been provided with any substantive evidence of how services might be harmed by the proposals. Nevertheless, planning obligations if required could be secured at TDC.
22. The appeal site is within the zone of influence of the Pebblebed Heaths Special Protection Area/Special Area of Conservation (the habitats site). The qualifying features of the habitats site are the Northern Atlantic wet heaths, the European dry heaths, and the population of southern damselfly.
23. Recreational activity within these areas has the potential to disturb the habitats. The South East Devon European Site Mitigation Strategy (SMS) concludes that additional residential development within the identified zones of influence, in combination with other residential development, would likely increase recreational use and, thereby, increase disturbance to the habitats. There is, therefore, an impact pathway between additional residential development in the zone of influence and a resulting likely significant effect on the qualifying features of the habitats site.
24. As recreational pressure would compromise the sites conservation objectives as detailed in the SMS, an adverse effect on integrity cannot be ruled out. In this case, without mitigation the additional residents who would occupy the proposal would be, in combination with other schemes, likely to adversely affect the habitats site by way of increased recreational disturbance.
25. A strategic mitigation scheme is available, and the SMS sets out a series of measures to mitigate the effect of increased recreational pressure resulting from additional residential development within the zones of influence. Natural England have been consulted as part of the appeal process and have not objected to the proposal subject to securing a financial contribution towards the mitigation strategy. In this case, the appropriate financial contribution has been demonstrated to have been paid to the Council.
26. On this basis, in carrying out the Appropriate Assessment, adverse effects of the proposal on the integrity of the habitats site would be avoided.

### **Planning Balance**

27. The Council have stated that they are unable to demonstrate a five-year housing land supply, stating it has a supply of circa 2.97 years. In these circumstances the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the National Planning Policy Framework (Framework) is engaged.
28. The proposal would achieve an increase in housing supply in an area with an acknowledged lack of housing provision and be suitably located to access a good level of local services and facilities, which I observed could be accessed by sustainable modes of transport.
29. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing, particularly in locations with good access to services and facilities. Furthermore, the Framework acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Whilst the scale of the proposal is modest, given the considerable scale of the shortfall identified, this attracts moderate weight.

30. Additionally, the proposal would provide other modest short term economic benefits from the construction of the proposal and further modest economic and social benefits from the future occupation of the dwellings and associated support of local services and facilities.
31. However, the proposal would conflict with LP Strategy 7 and the Framework where it seeks to actively manage patterns of growth. Given the available access to services and facilities I observed at my site visit, I give this conflict minor weight. Moreover, the proposal would also conflict with LP policy D1 and NP Policy NP1 and the Framework where it seeks to conserve and enhance the natural and local environment. However, for the reasons set out in the main issue above, I give these conflicts modest weight.
32. In this instance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11d) of the Framework indicates that permission should be granted.

### **Conditions**

33. The PPG<sup>2</sup> indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

### **Conclusion**

34. The proposal would conflict with the development plan, read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is allowed.

*S Harrington*

INSPECTOR

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<sup>2</sup> Paragraph: 020 Reference ID: 58-020-20180615