
Appeal Decision

Site visit made on 3 September 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/Y1138/W/25/3367513

Library Car Park, Exeter Hill, Cullompton, Devon EX15 1DJ

- 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 Reg Payne against the decision of Mid Devon District Council.
 - The application Ref is 24/01749/PIP.
 - The development proposed is the erection of a minimum of 7 dwellings and a maximum of 9 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a minimum of 7 dwellings and a maximum of 9 dwellings at Library Car Park, Exeter Hill, Cullompton, Devon EX15 1DJ in accordance with the terms of the application, Ref 24/01749/PIP, dated 4 December 2024.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage, permission in principle, establishes whether a site is suitable in principle, and the second technical details consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the consideration of permission in principle is limited to location, land use and the amount of the development permitted¹. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. Consequently, all detailed drawings provided with the application are considered indicative and I have determined the appeal accordingly.
4. There have been three addresses used in the appeal documentation in respect of the appeal site, I have taken the address to be that used on the application form and have determined the appeal accordingly.
5. The Council have identified a typographical error in the reasons for refusal, stating that Policy S14 (Countryside) should read Policy S11 (Cullompton) of the Mid Devon Local Plan 2013-2033 (MDLP). The appellant has not contested the deletion of Policy S14 and the inclusion of Policy S11. I have determined the appeal accordingly.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The proposal is in a conservation area and as referenced in the Cullompton Conservation Area Appraisal and Management Plan (2022) (CCAAMP) there are nearby listed buildings adjacent to the Lower Bullring. Consequently, I have had special regard to section 66(1) and special attention to 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

7. The main issues are:

- whether the proposed residential development would preserve or enhance the character or appearance of the Cullompton Conservation Area (CCA) and preserve the setting of listed buildings adjacent to Lower Bullring;
- the effect of the partial loss of parking on the vitality and viability of the town centre and highway safety; and
- the effect of the proposal on the privacy of neighbouring residents

having regard to its location, the proposed land use and the amount of the development.

Location

8. The appeal site comprises a privately owned and operated pay and display car park. The site is bound on two sides by a low brick wall, topped by wooden post and rail fencing, with a higher brick wall to the rear. The car park also hosts a, recently constructed, military memorial garden. The car park is separated from the Hayridge Centre by a two-way service road leading to the rear of the modern library and community space and the current entrance of the site. A row of trees has been planted along the front boundary of the site. The site is set back from Exeter Hill by virtue of a wide footway that has two benches, heritage and information boards and a modern bus shelter. During my site visit I noted that new three-storey town houses, with high pitched roofs, have been built on Reed's Place. A pedestrian access to this development and the residential area beyond separates the site from the town centre.
9. The significance of the CCA as a whole is in part derived from its architectural and historic interest associated with the development of the town as a trading and manufacturing centre over a considerable period of time. The site lies within character area 3 of the CAA. The CCAAMP identified this part of the CAA as being an area of post-mediaeval (and later) industrial expansion with associated workers' housing. The area is identified as having an industrial feel, reinforced by the type, scale and spatial characteristics of the modern re-use and development (including petrol station and supermarket). The area in which the site is located therefore generally contributes positively to the character and appearance of the CCA.
10. However, the CCAAMP identifies that the Hayridge Centre is considered too dominant in the street scene by virtue of its elevated eaves height and materials. The car park is also considered to be not in keeping with the character of CCA and the CCAAMP Principle 22 recommends that more visual enclosure is needed, to reduce the visual dominance of parked cars and to improve the appearance of the site in the context of the character of CCA.
11. Residential development on the site would result in the loss of at least some of the vehicle parking provision. However, I noted on my visit that many of the roads

approaching the site benefit from regulatory parking restrictions or allocated parking. In addition, given the narrowness of the roads surrounding the site, in my view, on-street parking would unlikely be significantly greater than that already experienced. I therefore conclude that on-street parking would not give rise to harm to the character and appearance of the CCA.

12. In my view the separation distance between the site and the two listed buildings would not be reduced and the general configuration of roads, footways and street furniture would not change because of the proposed development. I therefore consider that the setting and historic interest of both would be preserved.
13. The proposed development at this stage has limited information regarding design, I conclude that an opportunity exists to sympathetically enhance the character and appearance of the CCA, as recommended in the CCAAMP. It is noted that the Council would seek a Heritage Impact Assessment to inform an acceptable built form at the second stage TDC.
14. For the reasons set out above I see no clear reason at this stage to conclude that the proposal would not preserve the character and appearance of the CCA or the setting of the two nearby listed buildings. It is noted that the Council does not cite location as their reasons for refusal. Therefore, the proposed development would not be contrary to Policy DM25 of the MDLP and TC01 of the Cullompton Neighbourhood Plan 2020-2033 (CNP) that seeks development affecting heritage assets to preserve or enhance all designated heritage assets and their settings.

Land use

15. The appeal site was formerly occupied by a magistrate's court and before that a Victorian school. Therefore, the construction of a large building on this site would be commensurate with the earlier and historic use of the site. I note that none of the reasons for refusal indicate that this site is unsuitable for residential purposes.
16. The Council have indicated that insufficient information has been provided to justify the partial loss of the car park and contends that the displacement of parked vehicles to roads in and around the town, would result in issues of highway safety. The local Highway Authority (HA) has indicated that in making its comments it has assumed the total loss of public parking. The HA reasoned that a condition cannot be imposed on a permission in principle, to compel the retention of the public parking. However, the imposition of conditions can be addressed at the TDC stage.
17. Paragraph 116 of the National Planning Policy Framework (the Framework) states that refusal on highway safety grounds would require that an unacceptable impact be identified. However, the HA consultation response of 31 January 2025 indicates that no existing conditions have been attached to extant planning permissions relating to the site, to require the retention of parking. In addition, whilst there is a statement from Cullompton Town Council and reference within the CNP, that on-street parking is causing safety issues within the town centre, no survey evidence has been provided to demonstrate that parking stress is an issue within the town.
18. I conclude that the partial loss of parking at the site, given the previously mentioned restrictions and the availability of other car parks in and around the town centre, would not result in a level of on-street parking that would cause an unacceptable impact on highway safety.

19. Regarding the viability and vitality of the town centre, it is noted that the Council in March 2025 determined not to re-list this car park as an asset of community value citing that the land does not meet the necessary criteria. Additionally, this site is not one of the car parks identified as an important community asset in Policy TC04 of the CNP. The CNP has identified parking within the town centre and two car parks either side. Nevertheless, given the proximity of the site to the town centre, services and public transport the occupants of the proposed dwellings would have alternative means to access these without reliance on private cars. Consequently, any partial loss of parking for cars in this location is likely to be, at least partially, offset by the permanent occupancy of the proposed dwellings and the ease of access for the residents to the town centre and its facilities.
20. In addition, I noted on my weekday site visit that despite the extent of regulatory parking restrictions around the site, the carpark was less than one quarter full and that in contrast the supermarket carpark, less than 150 metres distant off Exeter Road, was nearly full. This may be a snapshot and there may be days when the site is busier but on this occasion the site was not heavily used.
21. I conclude that given the site has historically accommodated large buildings and that the Council have not indicated that residential use is unacceptable, the use of this land could reasonably deliver 7 to 9 dwellings. Regarding the partial loss of public parking and the provision of evidence to support this can be addressed at the second stage TDC. I therefore conclude that the proposed development would not be contrary to Policies S1, S7, S11 and DM23 of the MDLP that seeks to retain important community facilities (including car parking) to meet day to day needs of the settlement and support vitality and viability of Cullompton Town Centre and paragraph 116 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Amount of development

22. Objections were received regarding neighbourhood living conditions. Consequently, I have considered whether the proposal is likely to give rise to privacy issues. I conclude that there could be limited overlooking of 1 Reed's Place and the Coach House, beyond the rear wall on Floods Lane, but these would be angled views. However, design and layout are matters that can be addressed at the second stage TDC, to appropriately manage issues of privacy.
23. Again, regarding the amount of the development, the focus of the Council reasons for refusal was on the partial loss of parking which has been discussed previously and consequently I will not revisit this matter again.

Overall conclusion on main issues

24. I therefore conclude that overall, the site would be suitable for a minimum of 7 and a maximum of 9 dwellings, having regard to its location, the proposed land use and the amount of the development. Consequently, it would accord with Policies S1, S7, S11, DM23 and DM25 of the MDLP and Policy TC01 of the CNP. These policies seek, amongst other things, to ensure that town centre development is of an appropriate design; creates safe and accessible places; does not compromise highway safety; that enables sustainable modes of travel such as public transport,

walking and cycling; sustain and enhance town centre use; incorporates residential accommodation above ground level where possible; is sensitive to the character and appearance of its surrounding; and avoids harm to the significance of heritage assets.

Other Matters

25. The Council does not contest that a 5-year supply of deliverable housing sites cannot be demonstrated, as set out in the statement of case for the appellant, in this instance being 4.79 years. Consequently, due to the provisions of footnote 8, paragraph 11 d) of the Framework is engaged.
26. Given my conclusion on heritage assets above, there are no Framework policies protection areas or assets of particular importance which provide a strong reason for refusing the proposal. I am therefore taken to part ii of paragraph 11 d).
27. The proposal would facilitate the creation of 7 to 9 dwellings on a town centre site within a reasonable walking distance of services and facilities. It would therefore be supported by the Framework policies to increase the supply of housing and direct development to sustainable locations, the latter of which is a key policy for the purposes of paragraph 11 d) ii. The continued provision of public parking could be secured at the TDC stage.
28. I find that the partial loss of public parking that would result from the proposal would not significantly and demonstrably outweigh its benefits when assessed against the Framework as a whole.
29. The appellant has indicated that the memorial would be relocated within the appeal site and that the existing planting and landscaping would be retained where possible and further enhanced. This matter can be addressed through design at the stage two TDC.
30. I noted on my site visit that the existing car park provides specific bays for disabled parking, as does the Hayridge Centre that has vehicular access to two disabled parking bays to the rear. The appellant has indicated that the site would continue to make provision for public parking, and I am satisfied that the matter of both public and disabled parking can be addressed at the TDC stage. I have given due regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010 and the three aims contained therein and conclude that there is sufficient reason to allow the appeal.
31. In line with other design matters, loss of light, air quality and noise, including effects arising from the construction of the proposed development, can be addressed at the TDC stage. It is noted that Public Health considers a Construction Environment Management Plan could address effects on existing residents.
32. The Council have suggested conditions relating to the extent of information required, however, paragraph: 020 Reference ID: 58-020-20180615 of the PPG indicates that it is not possible to impose conditions, as the terms of any permission in principle must only include location, land use and amount of development.
33. Legal covenants are a civil matter and not a material consideration in planning.

34. There are no material considerations which would indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

35. For the reasons set out above, I conclude that the appeal should be allowed.

F Webber

INSPECTOR