



Appeal Decision

Site visit made on 10 September 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/U1105/W/25/3364822

Roseleigh, Church Road, Colaton Raleigh, EX10 0LH

- 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 A Randall against the decision of East Devon District Council.
 - The application Ref is 24/1150/FUL.
 - The development proposed is described as 'dwelling with associated driveway and private garden.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - Whether the proposed dwelling would be in a suitable location having regard to the development plan policies concerned with the location of new housing;
 - The effect of the development on the character and appearance of its surroundings with particular regard to its effect on the East Devon National Landscape; and
 - The effect of the development on the living conditions of the occupiers of adjoining dwellings with particular regard to privacy, daylight and outlook.

Reasons

Location

3. The site is located on rising ground to the rear of an existing bungalow and currently forms part of the bungalow's garden. Two storey dwellings lie either side of the bungalow with further dwellings to the west and north beyond which are trees and open countryside. Beyond the site across Church Road the land rises to the south giving an attractive pastoral setting to the village. The site falls outside the defined Built-up Area Boundaries and, applying East Devon Local Plan 2016 (EDLP) Strategy 7, is within the countryside for the purposes of development plan policy.
4. Whilst the village hall and a church are close to the site near the junction between Church Road and Shepherds Lane, the village has limited facilities. Although there is a village shop and a pub, pedestrian access to them would be via Shepherds Lane and Church Road, neither of which have footways. I saw on my site visit that Shepherds Lane is narrow and on an incline with high hedgerows providing little

space for pedestrians to take refuge from passing vehicles. Whilst Church Road may not be a busy road, it also has limited space for pedestrians to take refuge from passing vehicles due to the hedgerows and walls alongside much of it. Parked vehicles along the road also reduce the space available to pedestrians. Walking to the pub would also require walking along part of the busy B3178. As a consequence, even though there are occasional street lights on Church Road and the road would be suitable for cyclists, the distance to the shop and pub coupled with the absence of footways, and the gradient of Shepherds Lane, would not encourage future occupiers of the dwelling to walk to them. This would be especially so in inclement weather.

5. Whilst the bus stops on the B3178 serve an hourly bus service to Newton Poppleford and other settlements with a greater range of services, access to the bus stops would also involve walking along Church Road and Shepherds Lane which for the reasons given would not provide a safe and suitable access for all users.
6. The limited services and facilities in the village and the nature of the pedestrian route from the site to the shop, pub and bus stops means that, notwithstanding the bus service, future occupiers of the proposed dwelling would be likely to travel by car to access services and facilities elsewhere. Although existing residents may already rely on private vehicles to access services, that does not justify the moderate level of harm that would be caused by the proposal to the promotion of sustainable modes of travel and transport set out in EDLP Strategy 5B and policy TC2.
7. For the above reasons, the proposal would not be in a suitable location having regard to the development plan policies concerning the location of new housing. It conflicts with EDLP Strategies 3, 7 and 5B and EDLP policy TC2 in so far as they define the spatial strategy for development in the district, control development in the countryside and seek to ensure the accessibility and sustainability of new residential development.

Landscape, character and appearance

8. The site falls within the East Devon National Landscape. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Strategy 46 of the EDLP has similar objectives and states that development will only be permitted where it complies with 3 criteria.
9. The proposal is situated within the 'Pebble Bed Heaths and Farmland' Character Area and the 'Estate wooded farmland' Landscape Character Type identified in the East Devon and Blackdown Hills Landscape Character Assessment 2019 (LCA). The LCA describes what makes this landscape type special. This includes its contribution to the setting of substantial country estates and a sense of well managed and working countryside implying economic success as well as visual attractiveness. Whilst Colaton Raleigh is identified as being one of three Bicton estate villages which do not have such a strong visual identity as those of Killerton, the three villages are described as still being very attractive, with rows of thatched cottages and streams running along the villages' streets.

10. One of the LCAs landscape aims for the Landscape Character Type is that the distinctive character of the estate villages should be retained and enhanced. Erosion of the distinctive character of settlements and their landscape settings is identified as one of the future forces for change.
11. Although the site is relatively contained by existing dwellings on three sides, its open, verdant appearance combined with the views across it to the fields and trees to the south means it forms part of the transition from the built up central part of the village to the rural landscape beyond. As a consequence, it contributes to the rural character and appearance of the eastern edge of the village.
12. Whilst a narrow gap would be retained between the dwelling and the site boundaries, the width and depth of the development would give the site a substantially more developed character and appearance. It would extend the existing pattern of development eastwards into the countryside which would erode the rural character of the eastern edge of the village. In so doing, the proposal would significantly reduce the views of the fields and woodland to the south which are currently gained across the site including from the access drive along its northern boundary. As a consequence, it would not conserve or enhance the National Landscape and would cause a moderate level of harm to it.
13. The site is currently a garden and structures may be able to be erected on it using permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, I have not been provided with any sound evidence that such structures would be of the scale or form of the proposed dwelling or have the same harmful effect on the landscape as the proposal.
14. For the reasons given, the development would harm the character and appearance of its surroundings and the East Devon National Landscape in conflict with EDLP Strategy 46 which requires that development is only permitted where it conserves and enhances the landscape character of the area.

Living conditions

15. The proposed dwelling would have windows in the eastern side elevation. Whilst two of the windows would serve a walk-in wardrobe and utility room which are not habitable rooms, three others would serve a study, bedroom and a living area respectively.
16. The height and size of the study window in relation to the boundary coupled with the sloping ground levels, would permit views from the study into the garden to the rear of Meadow Bank. Whilst the view would be restricted by boundary fencing and vegetation in the garden, it would nevertheless be sufficiently close to the boundary to have a harmful effect on the privacy of the users of the garden. For the same reason, the proposed bedroom window would also cause a loss of privacy to the upper part of the adjoining garden. Whilst closer to Meadow Bank, the smaller living room window would be at a lower ground level which means that views into the adjoining garden would be more restricted by the boundary fence and planting.
17. Whilst the distance between the proposed dwelling and the rear windows in Meadow Bank would be sufficient to prevent a loss of privacy to users of the rooms those windows serve, the size and height above ground level of the

windows in the proposed southern elevation of the dwelling would permit further views down into the garden nearer the house. Even though the view from the proposed rear windows would be oblique, and there is some existing vegetation along the boundary, this would harm the living conditions of the occupiers of Meadow Bank. Future planting might be able to reduce views into the garden but no details of such planting are before me. Whilst the Council's reason for refusal did not refer to a loss of privacy to the occupiers of Roseleigh as a result of the development and some mutual overlooking may already exist, this does not justify the loss of privacy to the garden of Meadow Bank.

18. The 'oriel' windows in the western elevation of the proposed dwelling have been designed so that they would not directly face the boundary with Loxwood. The blinded design would restrict views from the windows to a limited north-south corridor along the western boundary. As a result, the narrow field of view coupled with dense boundary vegetation means that there would not be a harmful loss of privacy to the occupiers of Loxwood.
19. The roof height of the proposed dwelling would be no greater than that of Loxwood. The shallow pitch of the proposed roof, the distance between the highest part of the proposed roof and Loxwood, and the space between the two buildings means that, even though the proposal would extend beyond the southern elevation of Loxwood, it would not have an unacceptable overbearing effect on Loxwood.
20. Whilst the development would be visible from Melody and would obstruct views of the landscape to the south of the site, the distance between the proposed dwelling coupled with the single storey design of its northern elevation and garage means that it would not have an overbearing effect on Melody.
21. The proposed rooflights in the roof slope facing Loxwood would permit some intervisibility between the proposed dwelling and dormer window in the eastern elevation of Loxwood. However, the rooflights would provide secondary sources of light to the spaces they serve and could be the subject of a condition requiring them to be obscure glazed if the appeal were to be allowed.
22. I have also given careful consideration as to whether the loss of privacy arising from the windows in the eastern elevation of the proposed dwelling could be prevented by a condition requiring them to be obscure glazed if the appeal were to be allowed. Although it would be reasonable to restrict the windows in the wardrobe and utility room as they are not habitable rooms, and the bedroom and living area have other windows, the study is served only by a single window. From the evidence before me, I am not satisfied that it would be reasonable to impose a condition requiring that the only window in that habitable room should be obscurely glazed and have no outlook as a result.
23. Therefore, for the reasons given, the development would cause a moderate level of harm to the living conditions of the occupants of Meadow Bank in conflict with EDLP policy D1 in so far as it only permits proposals where they do not adversely affect the amenities of occupiers of adjoining residential properties.

Other Considerations

24. Against the harm identified above, the delivery of an additional energy efficient home would be a moderate benefit of the proposal given the Council's housing

land supply position. There would also be moderate short-term economic and social benefits of the proposal during its construction, with longer-term economic and social benefits upon occupation should future occupiers use the services in the village.

25. I am aware of other appeal decisions in Colaton Raleigh but have not been provided with the full planning context or details of those schemes. Whilst the Paradise Barn decision¹ concluded that Church Road provided a level pedestrian route to the services in the village, access to that site was not via the narrow incline of Shepherds Lane. Unlike the current appeal site, the Pendor site² was in a centrally-located position in the village next to the shop and a very short distance from the bus stop and pub. There are therefore material differences between the location of those two sites and the appeal site. Whilst The Old Stables decision³ found that that site was not in an appropriate location having particular regard to accessibility and development in the countryside, the circumstances in that case were not identical to this appeal which I have determined on its individual merits.
26. Loxwood was granted planning permission by the Council in 2013 following a previous permission on the same site. However, that planning application was determined on the basis of a previous development plan at which time the village had a Built-up Area boundary where the principle of development was accepted. That is not the case with this appeal which I have considered on the basis of the current development plan and Framework.
27. The Council's delegated report states that the site lies within the buffer zone of the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area (SPA) and the Exe Estuary SPA. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the main issues, it is not necessary for me to consider this matter in any further detail.

Planning Balance and conclusion

28. The Council can only demonstrate 2.97 years' housing land supply. Consequently, paragraph 11 d) of the Framework requires that consideration of the presumption in favour of sustainable development is necessary.
29. Notwithstanding the Council's housing land supply shortfall, applying footnote 7 to paragraph 11d) i. of the Framework, the conflict with the Framework's policy for conserving and enhancing National Landscapes provides a strong reason for refusing the proposed development. As a consequence, paragraph 11 d) ii. of the Framework is not engaged and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
30. The EDLP is the development plan for the area in which the site is located. The harm identified above results in conflict with EDLP Strategies 3, 7, 5B and 46 and EDLP policies TC2 and D1. As a result, there is conflict with the development plan when taken as a whole.

¹ APP/U1105/W/18/3220012

² APP/U1105/W/20/3248042

³ APP/U1105/W/19/3244064

31. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their consistency with the Framework. The Framework recognises the intrinsic beauty and character of the countryside; requires that valued landscapes should be protected and enhanced; promotes sustainable transport, including ensuring that safe and suitable access can be achieved for all users; and seeks a high standard of amenity for existing and future users. Whilst the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the EDLP policies referred to in the paragraph above are consistent with the Framework. Therefore, conflict with them should be given substantial weight in this appeal.
32. The Framework highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area and are often able to be built out relatively quickly. Therefore, this benefit carries moderate weight in favour of the proposal. The moderate short-term economic and social benefits of the proposal attract moderate weight in favour of the proposal.
33. However, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given, the presumption in favour of sustainable development in the Framework does not apply in this appeal and the appeal should be dismissed.

R Kent

INSPECTOR