



Appeal Decision

Site visit made on 30 September 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/P1133/W/25/3367588

Land at Whitehill Road, Highweek, Newton Abbot, TQ12 6PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gary Moore of Bramley Homes (SW) Ltd against the decision of Teignbridge District Council.
 - The application Ref is 24/00301/MAJ.
 - The development proposed is outline planning permission for residential development, with all matters reserved except for access.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for residential development, with all matters reserved except for access at Land at Whitehill Road, Highweek, Newton Abbot TQ12 6PR in accordance with the terms of the application, Ref 24/00301/MAJ, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale, have been reserved for a subsequent application.

Main Issue

3. The main issue is the effect of the proposed works on the special architectural and historic interest of All Saint's Church, a Grade I listed building¹, and its significance as a designated heritage asset.

Reasons

4. All Saint's Church has its origins in the 15th century but was later significantly extended and otherwise restored in the 19th century. It is set prominently at the top of a hill within a cemetery with agricultural fields surrounding it. Footpaths lead between the fields up to the church and provide connections to the east, south and west. Given the elevated position of the church, it is also visible from a broad area of Newton Abbot as well as the countryside to the north. The significance of this building is formed in part from its age, its continued use as a church and the extent to which its historic location, within a rural landscape connected to nearby historic settlements, is still legible.

¹ Parish Church of All Saints, List Entry Number 1257209

5. The proposal would introduce 28 new dwellings on a field on the opposite side of Whitehill Road from the lowest extent of the cemetery. This field is down hill from the church and is bounded by mature hedgerows and trees. To either side of the field, along Whitehill Road, there are a small number of buildings that appear to be domestic. I note that a small area of residential development has been granted within a field near the appeal site but on the church side of Whitehill Road. I am also mindful that the appeal site is covered by the provisions of NA2 of the Teignbridge Local Plan 2013-2033 (the TLP) which allocates the area for residential development.
6. I have been provided with indicative plans demonstrating the site layout and height of the proposed dwellings. These identify that the dwellings would be sited within the field immediately adjacent to Whitehill Road while the drainage management scheme would be within the fields to the north.
7. Given the steepness of the slope down towards the appeal site and the presence of large trees and dense hedgerows, the church is only glimpsed between vegetation from the site. Likewise, views from the church, and from within the cemetery, are primarily directed above the surrounding trees towards the longer distance. Views towards the site are well screened by the mature trees bounding Whitehill Road. I am, nevertheless, mindful that these trees are primarily deciduous and so when not in leaf this screening would likely be reduced.
8. Given the above, there is a strong degree of visual separation between the proposal and listed building within closer views, whether on site, along Whitehill Road or at the church. Even with the loss of leaves over winter, the above screening would still be sufficient to maintain a degree of separation. In particular, I find that approaches to the church along the footpaths and road would be unaffected, maintaining a sense of isolation from Newton Abbot. In this way the proposal would not adversely affect the listed building's setting within closer views. To this extent the proposal would, therefore, have a neutral effect on the historic and architectural significance of the listed building.
9. From views within Newton Abbot, the church would be seen raised above the town upon a green hill. It takes on a prominent and somewhat isolated appearance. This elevated and isolated appearance would similarly be appreciated in views from the north, but to a greater degree given the more limited development on this side of the hill. The proposal would result in some erosion of the connection between the wider countryside and the ring of fields around the church. However, I do not find this to affect its significance which more primarily stems from its arm's length connection and relationship to Highweek. The proposal would also, in this way, have a neutral effect on the significance of this listed building.
10. I note the Council's concerns as to the appellant's use of the phrase "broadly Victorian" to describe the potential appearance of the proposed dwellings. Appearance is a matter reserved for later consideration and so this matter has not been determinative in my considerations.
11. The proposed siting of 28 dwellings at the appeal site would not unacceptably affect the setting of the identified listed building to the detriment of its historic and architectural significance. The proposal would, therefore, have a neutral effect on the heritage asset and would comply with Policy EN5 of the TLP. This policy, amongst other things, requires proposals to protect and enhance the area's

heritage by respecting and responding to its character and distinctiveness. The proposal also complies with the National Planning Policy Framework (the Framework) which gives great weight to the conservation of heritage assets as they are an irreplaceable resource.

Other Matters

12. A number of concerns have been raised regarding waste storage and collection details, noise and light pollution, and the loss of privacy. However, these matters would be covered by the layout of the site and its landscaping and are, as such, matters reserved for consideration at a later stage.
13. I am content from the details before me that the proposed access to the site would not result in any unacceptable highway safety risk. The layout of the development internally is a reserved matter and so any concerns related to highway safety within the site would be considered at that stage.
14. I note concerns over the pluvial drainage scheme and that it may result in the loss of unnamed water courses on and around the appeal site. I have not, however, been provided with any substantive evidence to demonstrate that this would be a realistic risk. Nevertheless, additional information would be required at the reserved matters stage to ensure the implementation of an appropriate drainage scheme.
15. Concerns have also been raised as to whether Highweek could accommodate additional development and whether the proposal would adversely affect wildlife and protected species. I am content that through the submitted Section 106 agreements and the conditions listed below, the proposal would not adversely affect either of these matters.
16. I have been provided with two signed and dated Section 106 agreements. These seek to secure an appropriate mix of affordable and self-build housing on site as well as funding towards recreational or sports facilities, education and medical spaces, a community centre, and a biodiversity net gain. I find these agreements to be necessary to make the development acceptable in line with local and national policies and that they are directly related to the effects of the proposal. I am also content that they are fairly and reasonably related in scale and kind to the development.

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
18. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. Conditions are also necessary, for certainty and enforceability, limiting the number of proposed dwellings and requiring that the development is carried out in accordance with the approved plans. Given the scale of the development I have also provided for the potential that the development is phased.

19. A Landscape Ecology Management Plan, carbon reduction plan, a drainage and surface water management plan and a construction management plan are required to be submitted to ensure that the development would not adversely affect the ecology of the site, unacceptably generate carbon, increase flood risk or harm the safety of road users. A Green Infrastructure Plan would also be required to ensure that sufficient green infrastructure is provided for future residents. These need to be pre-commencement conditions as their provision could be prejudiced should elements of the development be carried out prior to their agreement.
20. A condition is needed, should the development be carried out in a phased manner, that updates the waste audit carried out. This is to ensure that any waste production during the works is limited, and its management is carried out in a sustainable way. It would need to be pre-commencement as it would need to be in place before any waste creation begins.
21. Conditions are required to ensure the protection of legally protected species, including Greater Horseshoe bats, badgers and Hazel Dormice. These include the control of external lighting, working hours and any removal of hedgerows, as well as a site walk over to check for setts. In order to provide a biodiversity net gain, a pre-commencement condition is required to secure the appropriate details at the appropriate time and so that it can be suitably provided and monitored. A construction ecological management plan is also required in the interests of biodiversity.
22. In order to ensure highway safety, it is necessary to secure the visibility splays and site access through a condition. A condition is needed to ensure that hedgerows and trees are suitably protected through the development and there are no unacceptable losses. To ensure the heights of the proposed buildings are acceptable, a condition is required to limit their height to that suggested by the appellant in their submissions.
23. The appellant's submissions have demonstrated that there is no unacceptable risk of contamination at the appeal site. There is the potential for an unknown contamination to be present so I have attached a precautionary condition but the others suggested by the Council in this regard are not required.
24. As the layout and appearance of the site are reserved matters, the condition securing the installation of the roads, paths, furniture and other such features would not be necessary at this stage. Once the provision of these features has been agreed it would then be appropriate to consider whether such a condition is necessary. This is similarly so for the removal of some permitted development rights as it is not possible, at this stage, to assess the potential for overdevelopment or character and appearance harms as a result of their implementation.

Conclusion

25. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The number of residential dwellings hereby permitted shall not exceed 28 in number.
- 2) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority for each Phase before any development takes place related to that Phase, and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development of a Phase shall take place not later than two years from the date of approval of the last of the reserved matters for that Phase, other than the self-build plot, which shall be begun not later than five years from the date of the final approval of the reserved matters for that Phase.
- 5) The development hereby permitted shall be carried out in accordance with drawing numbers: 41BH701, 100 and, insofar as it relates to the height of the buildings, 815-BH1.
- 6) Should the development be carried out in multiple phases, the first reserved matters submission shall be accompanied by a phasing plan to confirm the intended approach. Each reserved matters application shall demonstrate that the total number of residential dwellings on the application site as a whole does not exceed 28.
- 7) As part of the first Reserved Matters application, a Landscape Ecology Management Plan (LEMP) for the entire site shall be submitted to and approved by the Local Planning Authority. The plan shall provide details of:
 - a. Location of non-native hedging to be removed.
 - b. A hedge and tree plan, showing hedges to be retained, coppiced, translocated, enhanced and planted.
 - c. Native species mix to replace non-native hedging, together with details of planting, establishment and management over first 5 years.
 - d. Ongoing management of boundary hedges and area south of the development for the benefit of wildlife, including hazel dormice.
 - e. Landscaping scheme for development area of site for amenity, landscape and wildlife, including species mixes, sizes, planting, establishment, management for the first 5 years and ongoing management.
 - f. details of who will be responsible for ongoing management of public areas and how this will be funded.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved LEMP details. All planting/creation to be undertaken prior to first occupation of the development.
- 8) As part of any Reserved Matters application relating to a specific phase of the development, full details of carbon reduction measures, including a Carbon Reduction Statement and Carbon Offsetting Calculator for that Phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the development will minimise its carbon footprint and achieve a reduction in CO² emissions of at

least 48% over the Building Regulations 2006 Part L2A, which translates to a 24% reduction in emissions over Part L2A 2013; a fabric first approach should be taken. The submitted details shall demonstrate how energy, water, soil and materials will be minimised and shall make provisions for, where possible, the re-use of materials on site and the use of locally sourced materials. The development shall thereafter be carried out in accordance with the approved details.

- 9) Prior to the commencement of development, a Green Infrastructure Plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of the laying out, equipping and implementation of the area(s) of green infrastructure, including children's play space, together with provision for its future maintenance.
- 10) Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - a. Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - b. A detailed drainage design based upon the approved Whitehill Road, Newton Abbot Flood Risk Assessment and Drainage Strategy (Report Ref. 20018-A-FRA, Rev. A, dated 2nd November 2022) and the results of the information submitted in relation to (a) above
 - c. Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - d. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - e. A plan indicating how exceedance flows will be safely managed at the site.
 - f. Evidence there is agreement in principle from the landowner/DCC highways/SWW
 - g. A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.
- 11) Prior to the commencement of development, including vegetation removal, a detailed Bespoke Greater Horseshoe Bat Mitigation Plan shall be submitted to and approved by the Local Planning Authority, demonstrating how the development would provide a dedicated greater horseshoe bat non-developed area of land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. This shall be supported by a detailed lighting plan showing lux contours with detailed design and specification. Once approved, the works shall take place in strict accordance with the Bat Mitigation Plan.

- 12) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:
- a. A non-technical summary;
 - b. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30-years from the completion of development; and
 - e. The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Works shall proceed in accordance with the approved details or in accordance with a revised HMMP which shall have first been submitted to and approved in writing by the local planning authority. The habitat creation and enhancement works as set out in the approved HMMP or approved revised HMMP shall be maintained for a period of 30-years.

- 13) The development shall not commence until a timetable for implementation of the approved Habitat Management and Monitoring Plan (HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The submitted timetable shall include dates for:
- a. Implementation of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
 - b. Completion of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
 - c. Submission of monitoring reports to the local planning authority; and
 - d. The start and end of the 30-year period.
 - e. The HMMP shall be implemented in accordance with the approved timetable or in accordance with an alternative timetable which shall have first been submitted to and approved in writing by the Local Planning Authority.

Within one month of implementation of the approved HMMP, notice of implementation shall be given in writing to the Local Planning Authority.

- 14) Prior to commencement of development on any part of the site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
- a. the timetable of the works.
 - b. daily hours of construction.
 - c. any road closures.

- d. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance.
- e. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.
- f. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.
- g. areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.
- h. hours during which no construction traffic will be present at the site.
- i. the means of enclosure of the site during construction works; and
- j. details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- k. details of wheel washing facilities and obligations
- l. The proposed route of all construction traffic exceeding 7.5 tonnes.
- m. Details of the amount and location of construction worker parking.
- n. Photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
- o. details of any temporary vehicular access required in connection with the development.

The development shall thereafter be carried out accordance with the details set out in the approved CMP.

- 15) Prior to the installation of any external lighting, a Lighting Design Strategy, Assessment based on the Lighting Strategy Report (The Lighting Bee, 2024), shall be submitted to and approved by the Local Planning Authority. The Strategy shall be developed by a lighting engineer and ecological consultant and shall include:
- a. A map showing "dark areas" that will be maintained on site, which shall extend at least 5m from the face of all existing and new hedges;
 - b. An evidence-based assessment of light levels of the proposed development, including light spill from buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site, with the levels of predicted illuminance and light spill in and adjacent to the dark areas shown by appropriate isolines/lux levels;
 - c. That all external lighting shall produce only UV-free, narrow spectrum, low-intensity light output, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more;

- d. Details of how a light level no higher than 0.5 lux will be achieved within the dark areas. This to include details of fenestration, location type and number of lighting units, hard and soft landscaping and other measures;
- e. That public realm lighting is set on a timer to be off between 00.30 and 05.30; and is bollard mounted and directed/cowled downwards and away from dark areas;
- f. That private external lighting shall consist only of PIR, motion activated security lighting on short timers (1 minute maximum), in association with front doors, directed/cowled downwards and away from dark areas; and
- g. That parking areas and turning heads are located, orientated and screened to avoid headlights shining onto dark areas.

The Lighting Design Strategy shall be implemented and maintained as approved. No lighting other than that detailed in the Strategy shall be installed during the lifetime of the development.

- 16) The site access and visibility splays shall be constructed, laid out and made available for use prior to the commencement of any building works hereby permitted and maintained for that purpose in accordance with the Diagram 20018-100 Proposed S278 Layout where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.
- 17) Prior to the commencement of any Phase of the development, including vegetation removal, a walkover of the site shall be carried out by a suitably qualified ecologist, to ensure that no new badger setts are present in areas to be impacted. If badger setts are present, the survey results and appropriate mitigation measures shall be reported to the Local Planning Authority for approval. Works shall proceed in accordance with the agreed mitigation measures.
- 18) Prior to commencement of any Phase of the development, including site clearance, demolition and vegetation removal, a detailed Construction Ecological Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP shall include:
 - a. minimising impacts on species and on habitats including minimising impact from installing pipes/swales/lagoon in and the northern and central fields.
 - b. location and type of 13cm square hedgehog holes at ground level, to be installed in every garden wall and solid garden fence.
 - c. location and type of 10+ dormouse boxes to be installed in the hedge of central
 - d. and northern field; and
 - e. location of 2+ reptile hibernacula to be installed in retained grassland
 - f. measures to prevent animals becoming trapped in excavations/pipes.
 - g. measures to avoid harm to nesting birds when clearing vegetation.

- Once approved, the development shall not be carried out otherwise than in strict accordance with the approved CEMP details.
- 19) Prior to the commencement of any Phase of the development, an updated Waste Audit Statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document, for that Phase. The following points shall be addressed in the statement:
- a. Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
 - b. The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
 - c. Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
 - d. The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
 - e. Identify the main types of waste generated when development is occupied.
 - f. The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
 - g. The development shall be carried out in accordance with the approved statement.
- 20) Prior to any construction activity that is conducive to the disturbance of hazel dormice, the applicant shall submit to the Local Planning Authority either:
- a. a copy of the licence issued by Natural England pursuant to The Conservation of Species and Habitat Regulations Act of 2010 (as amended) authorising the development to go ahead; or
 - b. a statement in writing from a qualified competent ecologist to the effect that he/she does not consider that the development will require a licence. The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the licence or written statement required by a) or b) within 21 days thereafter its receipt.
- 21) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and site investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation, or the development being brought into use, on the site affected.
- 22) The ridgeline of any buildings on any part of the development shall not exceed those shown on the Building Heights Plan reference 815-BH1 and this shall be demonstrated through the submission of any Reserved Matters applications.

- 23) The Biodiversity Gain Plan (the BGP) shall be prepared in accordance with the Technical Note Biodiversity Metric Calculation Tool submitted with the application dated 13 June 2024 and prepared by Richard Green Ecology. The development hereby permitted shall be carried out strictly in accordance with the approved Biodiversity Gain Plan.
- 24) Within three months of completion of the habitat creation and enhancement works as set out in the approved Habitat Management and Monitoring Plan (HMMP) and timetable for implementation, a completion report, evidencing the completed habitat creation and enhancement works shall be submitted to and approved in writing by the local planning authority. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP and timetable for implementation of the approved HMMP.
- 25) All existing native hedges and hedgerow shall be retained, except where removal is necessary to create access. No materials shall be brought onto the site, or any development commenced, until protective fencing has been erected around all trees and hedges. The fencing shall be in accordance with Figure 2 of BS 5837 2012. The fences shall be maintained until all development has been completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Cotoneaster and other invasive, non- native plant species shall be removed. Where these occur in boundary hedges, they shall be replaced with a mix of locally appropriate native tree and shrub species.
- 26) As a result of the presence of legally protected species on site, the works shall proceed in strict accordance with the precautions, measures and enhancements described in the Ecological Impact Assessment (by Richard Green Ecology, dated February 2024, see especially section 4). For the sake of clarity, the necessary mitigation measures include the following:
 - a. enhancement measures include clearance of habitat under ecological supervision, including hedgerow clearance undertaken in accordance with a dormouse mitigation licence,
 - b. habitat manipulation,
 - c. C)sensitive timing of works,
 - d. provision of a means of escape from open excavations, physical protection of retained habitats,
 - e. the provision of integrated bat boxes at a ratio of one per dwelling,
 - f. integrated bird boxes at a ratio of one per dwelling,
 - g. the creation of hibernacula for reptiles and other wildlife and
 - h. all hedgerows to be cleared to be thoroughly checked for hedgehogs by a professional ecologist.
- 27) Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during

the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and trees.