
Appeal Decision

Site visit made on 4 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/U1105/W/25/3369108

Springfield, Oil Mill Lane, Clyst St Mary, Devon EX5 1AG

- 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 Mr Rory Bristow against the decision of East Devon District Council.
 - The application Ref is 24/2707/OUT.
 - The development proposed is for a single detached dwelling, associated parking, garage and garden with all matters reserved other than access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development has been taken from the decision notice of the Council as transcribed by the appellant to their Statement of Case.
3. The emerging East Devon Local Plan is at Regulation 19 stage, and I consider it is at an early stage and therefore little weight can be given to the policies contained therein. Since the Council determined the application the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (NP) has now been made; and both main parties have had an opportunity to comment on the implications of this for the appeal. The NP now forms part of the development plan, and I have therefore taken it into account when considering this appeal.
4. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly and based only on the following plans: drawing no. 1980-PL01 Rev A Location Plan and drawing no. 1980 - PL04 Rev A Proposed Site Plan. All other plans submitted with this appeal are treated as illustrative or indicative only, insofar as they relate to reserved matters and do not fall within the scope of this decision.

Main Issue

5. The main issue to consider is whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

6. The appeal site comprises an area of garden within the boundary of an existing detached property. The appeal site is positioned within a small hamlet of detached dwellings, all with frontages set back and of equal distance from the same side of the highway. The hamlet is located approximately 1 kilometre from Clyst St Mary.

The appellant acknowledges that the site lies outside the settlement area of the village and in the countryside as described in Strategy 7 of the 2016 adopted East Devon Local Plan 2013 to 2031 (EDLP).

7. Access to the services and facilities in the village would be along local roads and for walkers the Clyst St Mary Footpath 2, approximately 20 metres distant from the site. The road to the site is single carriageway and I observed on the day of my site visit that the road is adequate to allow two motorised vehicles to pass and was not, on that morning, heavily used. However, there appeared to be no bus service close to the site, with the nearest being some 1200 metres distant in Clyst St Mary.
8. The appellant has provided in the Statement of Case a comprehensive breakdown of distances and timings, for non-motorised users, to access a variety of services and facilities nearby. To further support the case for accessibility, examples of other developments in East Devon granted on appeal, have been submitted. Although there are some similarities, the matter of accessibility is not directly comparable with the proposal before me. Both example appeal sites, decisions and plans, identify that they are in closer proximity to services and facilities and lie within much larger settlements than the group of 7 dwellings making up the hamlet.
9. Whilst I have had regard to these other appeal decisions, I have considered the proposal on its own merits and particular facts. In respect of this site, I accept that short journeys not using vehicles may be feasible, however the lack of lit footways, cycleways and no bus service, would make reliance on private car use more likely, especially during hours of darkness, and adverse weather conditions.
10. Paragraph 110 of the National Planning Policy Framework (the Framework) recognises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas”*. However, the Framework in paragraph 110 also states that *“Significant development should be focused on locations which are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”*. In respect of this appeal, I consider that the proposed development would give rise to a moderate level of harm to the promotion of sustainable modes of travel and transport as set out in Strategy 5B of the EDLP. In addition, the site is not easily accessible by pedestrians and cyclists and there is no option to use public transport nearby. Therefore, I consider that there would be conflict with Policy TC2 of the EDLP which seeks to minimise the need to travel by car.

Planning Balance

11. The proposal would be to build a single open market dwelling. The Council acknowledges that they cannot demonstrate a 5-year supply of deliverable housing sites, identifying in the planning officer's report that the current housing land supply for East Devon is 2.97 years. Consequently, due to the provisions of footnote 8, paragraph 11 (d) ii of the Framework is engaged. This sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is also necessary to consider paragraph 14 a) and b) in decisions relating to the provision of housing, with emphasis on the status of the NP.

12. The site lies outside of the Built-up Area Boundary of Clyst St Mary and Policy BisC12 of the made NP, which identifies that an area has been allocated for housing development. Policy BisC04 of the NP sets out the criteria for development in the countryside, being for the purposes of agriculture, informal outdoor recreation, or farm diversification or conform to other policies in the NP.
13. The appellant has identified that the site lies within the boundary of option 3 for new town settlements within East Devon. It is noted that in the public report, option 1 was identified as a preferred option, with options 2 and 3 as alternatives. Given that the East Devon Local Development scheme, is in common with the Future East Devon Local Plan, at an early stage, there can be no guarantee that option 3 would progress and therefore little weight can be given to it in determining this appeal.
14. The Council, indicated that the plot size, built form and building line is comparable with the neighbouring properties and that the subdivision and construction of a dwelling could take place without appearing as an incongruous addition to the street scene. Nevertheless, paragraph 11 d) of the Framework refers to “...*having particular regard to key policies for directing development to sustainable locations...*”. As set out above, I do not consider that this site represents a sustainable location in terms of limiting the need to travel and offering a genuine choice of transport modes. In contrast the land, allocated to meet the housing needs of Clyst St Mary as identified in BisC12 and Plan 9 of the NP, is located adjacent to the major road network and represents a sustainable location which limits the need to travel and offers a genuine choice of transport modes. Furthermore, I consider that, in respect of the overall housing shortfall in East Devon, the provision of a single open market dwelling in this location would be a very small contribution to meeting the wider District need.
15. I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and would compromise the purpose of the constraints set out for development outside of the settlement boundary within Strategy 7 of the EDLP and Policy BisC04 of the NP. In addition, the introduction of a new dwelling in this location would conflict with the provisions of Strategy 5B and Policy TC2 of the EDLP as set out above.

Conclusion

16. For the reasons given above, the appeal is dismissed.

F Webber

INSPECTOR