
Appeal Decision

Inquiry held on 3-6 March 2026

Site visit made on 4 March 2026

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/U1105/W/25/3375541

Land Adjacent highway access off A3052 to Greendale Business Park, Woodbury Salterton, Devon, EX5 1EW

- 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 FWS Carter & Sons Ltd against the decision of East Devon District Council.
 - The application Ref is 25/0128/FUL.
 - The development proposed is 30 no. EV charging points, 2 HGV filling station points, and battery farm (enclosed within a building) with associated parking spaces, internal road network/hardstanding, boundary planting, and access and egress onto the Greendale Business Park Private Road Network.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2025 the Government began consultations on proposed amendments to the National Planning Policy Framework (the Framework). The proposed revisions could now be subject to substantial changes following the end of the consultation, and so carry little weight in the determination of this appeal.
3. The appeal site contains an agricultural building which the main parties agree does not currently have the benefit of planning permission. In the interest of certainty, it has not been factored into my assessment of the merits of the scheme.
4. Following the appellant's submission of further technical evidence relating to the issue of noise, the Council confirmed prior to the Inquiry opening that it would no longer pursue its reason for refusal relating to the effect of noise generated by the scheme on the living conditions of neighbouring residents. It also clarified that the Council's case in relation to light would focus only on the landscape and visual effects of the development, rather than the living conditions of nearby residents.

Main Issues

5. The remaining main issues are therefore:
 - whether the site would be suitable for the proposed development, with reference to the accessibility of services and facilities;
 - the effect of the proposal on public health; and
 - the effect of the proposal on the character and appearance of the area, with reference to its landscape and visual effects, and effect on heritage assets.

Reasons

Background

6. The appeal site is a lozenge shaped portion of farmland forming the east end of a large field aside the entrance and access road to the Greendale Business Park, a significant employment site nearby to the south. The business park is separated from the appeal site by the twin summits and connecting ridgeline of Windmill Hill. Directly to the north is the A3052 Sidmouth Road. Around 500m to the west along the road is the Greendale Farm Shop site. The horizon to the west is dominated by the significant mass of Haldon Ridge, to the other side of the River Exe Estuary.
7. Trees on the site and within a stand to the immediate south are protected by Tree Preservation Orders. The appeal site and the area around Windmill Hill is located within an historic environment record (HER) (ref MDV62606) labelled as 'Possible Site of Battle at Windmill Hill'. This reflects the belief of a number of historians that the HER identifies the likely site of what is more generally known as the Battle of Woodbury, a battle that took place during the Prayer Book Rebellion. Windmill Hill is in Woodbury Parish, with Woodbury village a few kilometres to the south.
8. The appeal site is within the countryside physically and for the purposes of planning policy. Strategy 7 of the East Devon Local Plan 2013 to 2031 (adopted 2016) (the Local Plan) limits development in the countryside to where it accords with a specific policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the area in question.
9. Strategy 39 is the Local Plan's foremost policy for renewable and low carbon energy development. It states that low-carbon energy projects will be supported in principle and encouraged subject to adverse impacts on features of environmental sensitivity being satisfactorily addressed. Schemes shall demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm, and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit. Read together, Strategy 7 and 39 permit low carbon energy projects in the countryside and tolerate that a degree of harm may result, provided that the criteria in Strategy 39 are met.
10. The charging facility would source renewable energy in the form of electricity from a nearby anaerobic digester associated with Greendale Business Park, and a solar farm, in addition to drawing power from the National Grid. In seeking to power electrical vehicles, it is a low carbon energy project. Given such, regardless of how or from where the facility would source its power, it falls squarely within the ambit of Strategy 39. Likewise, in helping to reduce the conventional use of fossil fuels, the facility would constitute low carbon technology in the Framework's terms.

Accessibility to services

11. The charging facility would serve employees of Greendale Business Park and also members of the public who may wish to avail themselves of its charging points. It would offer charging for domestic sized vehicles and heavy goods vehicles (HGVs).
12. The mainstay of the business park is hidden below Windmill Hill and access to it requires a small detour. Given also the industrial hustle and bustle of the business park, it would not be an appropriate location for the public to charge their vehicles. The Greendale Farm Shop car park caters for the visiting public, including families

with children, and strikes me as an equally inappropriate site for the parking, turning and charging of HGVs. Given these two discrete groups of end user, it is difficult to identify a better practical location for the charging facility than the appeal site. The locational aspect of Strategy 39 would therefore be met in this respect.

13. That said, Paragraph 117 of the Framework expects schemes to be designed to enable the charging of low emission vehicles in accessible and convenient locations. The charging facility is designed with no comfort facilities, such as toilets, resting areas or a place to purchase refreshments. There is a café within Greendale Business Park, but its operating hours are limited. The route to or from the café is in places very steep, unlit, poorly surfaced, and at times requires one to share the carriageway with HGVs. Given also the significant amount of time that vehicles would need to be left charging, owing to the proposed use of slower, level 2 chargers, I do not find the design of the scheme to be one that offers the general public a convenient or accessible location for these charging facilities.
14. This is borne out through the Planning Statement submitted in support of a recent planning application for the provision of comfort facilities at a newly built out vehicle charging facility in Whimple. In that supporting document, the absence of comfort facilities is described as a key barrier to the usability of such facilities.
15. On this basis, I find that the scheme would not be suitable for the proposed development with reference to the accessibility of services and facilities. While it would meet the bare locational requirement of Strategy 39 in this respect, it would conflict with Paragraph 117 of the Framework.

Public Health

16. Policy EN14 of the Local Plan, amongst other things, informs us that permission will not be granted for development where it would result in unacceptable levels, either to residents or the environment, of pollution of surface or underground water. Policy EN18 requires schemes to take appropriate measures to ensure that development does not adversely affect the quality or quantity of surface or groundwater.
17. There are four documented private water supplies within 1km of the appeal site. Power for the facility would be stored onsite in a battery energy storage system (BESS) within a barn. Fires at BESS sites are rare. If a fire were to break out, current firefighting practices seek to cool battery units adjacent to the affected unit, rather than attack the fire in the affected unit directly. This 'containment' method ensures limited contact between firewater and any hazardous matter discharging from a burning battery unit. This is the approach put forward by the appellant.
18. Despite its indirect application, there remains a tangible risk that containment firewater could become contaminated and go on to infiltrate the surface water or groundwater systems and thus private water supplies. Whilst containment firewater sampled after a fire on Merseyside in 2020 found the level of contaminants to be minimal, this still represents contamination, and the relevant report states that it is not well understood what potential hazardous chemicals and particulates are present in battery firefighting water¹. This is a risk that appears to exist regardless of the relative scale of the BESS in question. It follows that, whilst the risk of fire would be low and the risk of firewater becoming contaminated could be very low, the consequences of such would still be potentially significant to human health.

¹ Appendix 5 of the appellant's planning PoE

19. To manage the firewater generated if a thermal event were to occur, the appellant has indicated that it would be stored on site potentially in an underground tank, via bunded internal drainage channels, or in a series of pipes isolated by a valve, prior to the firewater being tested and removed via pumping. The appellant considers that this detailed element of the scheme is subject to change, owing to the fast pace of change of BESS technology, and would be best secured by conditions.
20. However, whilst any subsequent application to discharge conditions would be subject to the Council's decision, to be imposed in the first place every condition must adhere to certain legal and planning related tests. These include, in relation to the former, that they must be fairly and reasonably related to the development permitted. In relation to the latter, they must be reasonable in all respects.
21. In this case, despite the benefit of Mr Blunden's evidence to the Inquiry in relation to this subject generally, there is a dearth of site-specific evidence in relation to the issue before me. I would expect, at the least, for a drawing to indicate the likely, or worst case, size and location of any underground tank or pipe/channel containment system, and how it would interact with other elements of the proposed layout.
22. The containment water storage, in whatever form it would take, would need to cater for the volume of water that may have to be stored to support adequate firefighting, which I understand amounts to some 180,000 litres. Without even basic details, it is not clear where this additional and potentially significant infrastructure would or could be located. It is not clear if it could be installed without disrupting the landscaping the scheme seeks to provide, including that related to the issue of Biodiversity Net Gain, its discrete surface water drainage infrastructure, or any underground services to the charging units. It is not clear if the ground works would jeopardise the protected trees on and immediately adjacent to the site.
23. My concerns are intensified in that I do not know the extent or location of the surface water drainage system. If there was not room onsite, providing surface water drainage on other land in the appellant's control, in say a basin or swale system, would likely be beholden to the need for initial assessment, given the archaeological potential around Windmill Hill. The paucity of supporting evidence leads me to have significant doubt that an adequate storage system can physically be sited as part of the proposed scheme. It follows that a condition requiring details of that system would fail the test of reasonableness and so cannot be imposed.
24. Going further, the Planning Practice Guidance states that it is not appropriate for a condition to modify a proposed development in a way that makes it substantially different. Here, there is a probability that the containment water storage would be an engineering operation that is not reflected on the plans or in the description of the development. The same holds true for any potential swales/basins offsite.
25. It is not clear if it would require a fundamental departure from the proposal, in a manner in conflict with the proposed layout, to discharge conditions which would require details of the surface water and containment water systems. If it did, in the interest of procedural fairness and integrity, the conditions would not be fairly and reasonably related to the development as the development is proposed and shown.
26. As such, I have no assurance that suitable containment water storage and/or surface water drainage schemes are achievable as the scheme is proposed. It follows that the scheme has failed to demonstrate that appropriate steps have been

taken in relation to location, scale and design to firstly avoid harm arising from contaminated firewater and then reduce and mitigate any unavoidable harm.

27. Consequently, I conclude on this issue that the proposal would have an unacceptable effect on public health. The proposal would conflict with the relevant aims of Strategy 7, Strategy 39 and Policies EN14 and EN18 of the Local Plan, the Framework and the Planning Practice Guidance in this respect.

Character and appearance – landscape and visual effects

28. The route of the A3052 between the village of Newton Poppleford to the east and Exeter to the west is rural but there are isolated buildings present and clusters of residential, commercial and leisure type buildings and sites. It becomes more urbanised the closer one gets to Exeter. The A3052 is busy and cuts a noisy path across the countryside. Whilst not a major highway in the truest sense, it acts as an arterial route in the absence of more significant roads in the area.
29. The appeal site is within the Pebblebed Heaths and Farmland Local Character Area (LCA), but the Clyst Lowland Farmlands LCA is a short distance to the east and so the scheme would influence both. Its main contribution to the Pebblebed Heaths and Farmland LCA is the way in which the field allows distant views across to the Exe Estuary to the west. The wider field contributes to the Clyst Lowland Farmlands LCA as a sweeping and gently undulating piece of arable land bound by trees and hedgerows, and in the views it allows to surrounding ridges, including Windmill Hill. The field is also within the 'Lower rolling farmed and settled slopes' Landscape Character Type (LCT) and contributes to this area for obvious reasons.
30. The Greendale Farm Shop site has a quite sprawling effect on what is an otherwise open agrarian landscape. The entrance to the Greendale Business Park is prominent, landscaped and well maintained, with a wide, engineered splay, and a large entrance sign. It appears overtly commercial and signposts the park. The open field the appeal site is within therefore offers an important sense of rural relief between the Farm Shop and the business park entrance. The ridge and peaks of Windmill Hill act as the centrepiece of the field, and it is an important landmark.
31. However, the appeal site itself is highly influenced by the adjacent access road and manicured visibility splays and is lined by methodically planted trees. This leads it to appear less open and rustic than the rest of the field. When approaching from the east, views of the site are restricted by substantial roadside trees. The site appears quickly when one has almost reached the Business Park entrance. For a moment there are filtered views to Windmill Hill over the site, before more open and extended views become available. On my first drive-by from this direction, an HGV waiting to turn from the access road onto the A3052 almost entirely blocked visuals of the site. The entrance sign to the business park further partially obstructs the view.
32. Approaching along the A3053 from the west, views are similarly filtered by greenery. A tree clump marking a subtle turn in the highway largely restricts views towards the appeal site. Given such, despite the important sense of openness provided by the field as a whole, the specific contribution of the appeal site to the openness of the area, views to Windmill Hill, and to the relevant LCAs and the LCT, is much less pronounced. It has a medium-low sensitivity to change.
33. The facility would be low profile, comprising a collection of modest charging points and the battery storage barn and substation, which would be set well back into the

site. The additional landscaping would offer long term mitigation of the urbanising effects of the facility, but conversely would erode views and the openness of the landscape. The most overt change and resulting harm would be experienced from the access road. As the experience along this route is defined by travel to and from work at the Business Park, logically on a regular basis for some, and as the site is peripheral to the access route, I do not find that these effects would be significant.

34. The greatest visual impact would be from the charging vehicles, albeit the domestic sized vehicles, viewed at a distance from the A3052, would not be much more prominent than the charging points. The HGVs would be more significant features and present their side profiles to the views from the east. However, they would be markedly further away from the A3052 than the access road, and so less obstructive than the HGVs that block the view when giving way at the junction. Conversely, the HGVs on the site would be more static and so less transient than HGVs on the access road, and so would have a limited harmful effect overall.
35. The way in which the appeal site is filtered in views from the A3052 also draws the conclusion that light it would emit would not be especially intrusive. I accept the point that receptors would be predominately vehicles, which would be emitting their own lights during the hours of darkness. Given such, the intensity and direction of lighting could be managed so as to not be intrusive whilst providing a sensible and safe level of illumination at the charging facility. I am satisfied that appropriate lighting could be subject to a condition, had I been minded to allow the appeal.
36. With regard to the fabric of the landscape, the proposed development would inevitably have a harmful effect, albeit that effect would be limited by the small scale of the scheme and largely compensated for by the proposed planting. It should also be noted that the use of the charging facility would draw people in, a number of whom would dwell on the site. The proposal would therefore create a static public viewpoint, from which one could enjoy the vista over the Exe Estuary.
37. I recognise that the Clyst Lowlands Farmland LCA and the LCT identify, as a negative force for change, development pressure along the A3052. However, the charging facility is an inherently roadside type of use and is very much what one would expect to see when traveling along the busy A3052. This distinct, roadside character also sets the charging facility apart from the appeal related to an NHS Vaccination Building within the Greendale Farm Shop complex.
38. Overall, my assessment as to the nature and magnitude of change resulting from the proposed development is more aligned to that within the appellant's Landscape and Visual Impact Assessment. I find that the charging facility would have harmful landscape and visual effects, but the actual harm that would result would be limited.

Character and appearance - heritage assets

39. The Prayer Book Rebellion took place over the summer of 1549, precipitated by the economic and religious agenda of Edward Seymour, Duke of Somerset, who was ruling as Lord Protector of England, while his nephew, King Edward VI, was young. The rebels were largely religious conservatives, driven against the perceived radical Protestant agenda of the government, particularly the introduction of the new Book of Common Prayer. The revolt began in Cornwall and by July the rebels had crossed the Tamar and were laying siege to Exeter. A royal army was sent westwards to defeat them. They were intercepted by a rebel force on the way, and the ensuing battle, won by the royal army, is known as the Battle of Woodbury.

40. Amongst historians, Windmill Hill is one of three possible locations for the battle, the other two being hilltops on Woodbury Common and on Aylesbeare Common. As a possible battlefield site identified by historians, it was agreed by Mr Farnell at the Inquiry that Windmill Hill qualifies as a non-designated heritage asset (NDHA).
41. It is not my role and nor do I have to reach a definitive conclusion as to where the battle took place, or whether Windmill Hill is deserving of the status of a Registered Battlefield. What I do have to do, for the sake of making this decision, is reach as informed a position as I can as to a defined physical extent of the possible battlefield as a NDHA, its level of significance, and how the charging facility would affect that significance. In that sense, the Historic England Battlefields Registration Selection Guidance serves as a useful aid to my assessment, but nothing more.
42. Windmill Hill is the most compelling candidate for the battle for several reasons. First, the location simply makes the most sense from what we know of the battle and its historical context. The most significant primary source before the Inquiry is the contemporary account of J Hooker. In it he sets out that the royal forces tasked with lifting the rebels' siege left the main road from Honiton and made their way south over the commons, which are to the northeast of Windmill Hill. They camped at a windmill owned by one Gregory Cary, who we know was a landowner at Greendale. Windmills were typically placed on the highest points of a landscape.
43. The A3052 leads direct from Windmill Hill to Clyst St Mary, the site of the rebel encampment and a subsequent engagement, and was likely extant as a highway in 1549. Critically, the known timings of the battle and the subsequent battle at Clyst St Mary fit logistically with the position of Windmill Hill. As pulled together in the 2009 work of historians G Foard and A Hodgkins, the royalist camp needs to have been close enough to Clyst St Mary to enable the rebel forces to successfully mount their night attack, and for the royal army to reach the rebel line at Clyst St Mary by 9am the next morning. Windmill Hill is around 4km from Clyst St Mary. By contrast it is about 8km to Woodbury Common and 9km to Aylesbeare Common.
44. The battle is noteworthy in part because the future Bishop of Exeter, Miles Coverdale, acting as the royal army chaplain, delivered a sermon after the battle, which was interrupted by a false alarm of another rebel advance. The field directly to the southwest of Windmill Hill is called Bishop's Field, a name which derives from at least the 1841 Tithe Map. Field names were often taken from historic land uses or events within them. Whilst I understand there is more than one field named for a windmill in the wider area, the juxtaposition of Windmill Hill and Bishops's Field is unlikely to be a coincidence and was the only such relationship put to me. Bishop's Field is a natural amphitheatre and lends itself to delivering a sermon.
45. The alternative sites on the commons have no equivalent evidential association with the battle. The suggestion that it took place on a common is endorsed in the reference to a 'bleak waste' in the work of Frances Rose-Troup. This colourful term lacks a clear source, which suggests that it may be put down to dramatic licence. Hooker's account may suggest the site is in Woodbury village, but the name Woodbury equally applies to the wider parish. In addition, the HERs MDV30019 and MDV14396, which respectively identify an historic windmill and possible military finds at Woodbury village, do not actually denote a single potential battlefield site, but were 'dumped' onto a specific grid reference owing to the nature by which these records were collected and logged onto the HER database.

46. That Windmill Hill is the best evidenced, possible location of the battle heightens its significance as a NDHA. The battle was one of the most noteworthy engagements in one of the most important rebellions of the era. Had the rebels won, they could have gone on to have a more consequential effect on the Protestant Reformation. The battle is interesting militarily in that the royal army utilised gunpowder, pretty innovative at the time, in its deployment of arquebusiers. As the rebellion was largely of Cornish origin, and the rebels spoke mainly Cornish, it is of cultural significance. The topography and agrarian land uses around Windmill Hill appear little changed. These factors also heighten the significance of the NDHA.
47. That being said, it is unclear to what extent or where exactly around Windmill Hill the possible battlefield or royal army camp may have been located. The way the engagement tactically unfolded is unevidenced and the battlefield is not secure in that sense. An unnamed Spanish source placed the battlefield much further to the west. The record of metal detecting work from Exeter Museum lacks detail as to the credentials of the detectorist, lacks context, and makes assumptions about what was found. It also appears unlikely that further investigative work would unearth more information about the battle. This is because Windmill Hill has already been subject to lots of metal detecting and indeed ploughing, and battlefields of this era generally yield little archaeology, owing to the low status of the combatants.
48. The importance of this is twofold. Firstly, it restricts what I define as the physical extent of the NDHA to the sloping land to the north and west of Windmill Hill, and Bishop's Field. The rebels came from the west, and the south slope is on the wrong side of the ridge and the summits, as an obvious defensive feature, to have been a battlefield. It is too steep to have been a credible area for the royal camp.
49. The eastward direction of the rebel advance also suggests that the far east portion of Windmill Hill, containing the appeal site, was more likely to have been the site of a camp than any fighting. If that were the case, I would have expected more substantive remnants of the camp, ditches and pits for example, to be identified through the investigative work that has been carried out. The only noteworthy ditch identified is thought by the experts to be prehistoric or Romano-British in origin. The absence of any compelling archaeology on the appeal site to indicate the presence of a camp or burial pits leads me to exclude it from my defined limit of the NDHA, which, in the interest of certainty, I adopt as the west appeal site boundary.
50. Second, the absence of any detailed information of the battle heavily weighs down on the significance of the asset. Without that knowledge, Windmill Hill and the land I have identified as the NDHA becomes little more than a focal point and landmark denoting the possible battlefield rather than a legible map of the battle's dynamics or narrative. My confidence that Windmill Hill demarks the battlefield in general terms is high, but my confidence as to where around it the battle actually occurred and how it occurred is very low. Drawing this together, I find that the appeal site falls within the immediate setting of the NDHA, which is of moderate significance.
51. Given that the significance that the NDHA draws from its setting is largely defined by Windmill Hill's topography and role in signposting the possible battle's general location, the scheme would interact with it in much the same way as I have identified with regard to the landscape and visual attributes of the area. Views of the NDHA from the access road, and brief and filtered, kinetic views from the A3052, would be developed and obstructed, which would be harmful to the otherwise well-preserved historic landscape. In particular, the route along the A3052 was logically

the path of the royal army's advance. The resultant harm would be moderate and, given the increasing role of electrical vehicles, would likely be permanent.

52. Importantly however, the scheme would also provide a fixed opportunity for the public to view the NDHA. They would do so in immediate proximity, with the site offering immersive views over to Windmill Hill. If I were minded to allow the appeal, a condition could have secured appropriate landscaping to enable open views of the NDHA and the provision of educational aids, for instance an information board. This crucially would provide the NDHA with commemoration, which does not currently exist, which would be a clear benefit to the significance of the NDHA.
53. My overall finding is that there would be harm to the significance that the NDHA derives from its setting, but the actual harm that would result would be limited.

Character and appearance – the balance between harm and benefit

54. The Framework directs decision makers to recognise that small-scale low carbon energy projects provide a valuable contribution to cutting greenhouse gas emissions, and to give significant weight to the benefits associated with a proposal's contribution to a net zero future. This chimes with the supporting text to Strategy 39, which states that significant weight will be given to the environmental, social and economic benefits of low-carbon energy projects whatever their scale. That is the weight I wish to ascribe to the benefits of the scheme in this case, particularly in the context of the Council declaring that it is in a 'climate emergency'.
55. These benefits further include the appellant's desire to source some of the energy used by the facility from the anaerobic digester at Greendale Business Park and a solar farm. A proportion of the energy from the anaerobic digester is currently wasted. I am mindful that the Framework places emphasis on the need to use natural resources prudently and to minimise waste, albeit it became clear at the Inquiry that the actual extent of 'wasted' energy that would be utilised by the charging facility is relatively a small amount². There would be economic benefits, in that the facility would support Greendale Business Park, and those that would be generated by the construction phase. The increased vehicle charging provision for the local area would be a social benefit in the scheme's favour.
56. Weighing up the limited landscape, visual and heritage harm against the significant benefits of the scheme, it is my judgment that the facility has demonstrably taken appropriate steps in considering the options in relation to its location, scale and design, for firstly avoiding harm, and then reducing and mitigating any unavoidable harm to the receiving environment. An acceptable balance between harm and benefit would result. In addition, Paragraph 216 of the Framework states that a balanced judgement is required having regard to the scale of harm and the significance of a NDHA. That balance also comes out in favour of the scheme.
57. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area, with reference to its landscape and visual effects, and its effect on the NDHA. It would accord with the aims of Policies D1, D2 and EN6, and Strategies 5, 7, 39, 46 and 49 of the Local Plan which, when read together, seek to protect East Devon's landscape and heritage, but accept that for low carbon energy projects, a balance must be struck between harm and benefit. It would accord with the approach of the Framework in this respect. The

² As shown in Appendix 1 of the appellant's planning PoE, further explained by a graph at the Inquiry

charging facility would also accord with Policy EN8 of the Local Plan insofar as the evidence before the Inquiry has been sufficient for me to understand the potential impact of the proposal on the significance of the NDHA.

Other Matters

58. The emerging East Devon Local Plan 2020-2042 is at the Regulation 19 stage. Within the consultation it provides details on the significant new community planned at Marlcombe pursuant to emerging Strategic Policy WS01. It also proposes an extension of the Clyst Valley Regional Park to an extent that would incorporate the appeal site. Given the stage of preparation of the emerging plan, it is subject to change, and therefore it has carried limited weight in my assessment. It does, however, influence my decision insofar as it indicates the Council's continued commitment to the provision of low carbon energy.

Planning Balance

59. The starting point for decision making is the development plan. I have found that the proposal would accord with the development plan insofar as it would comply with its policies in relation to the effect of low carbon development on East Devon's heritage and its character and appearance. It would meet the locational aspect of Strategy 39 in the absence of any specific requirement within that policy that such facilities provide comfort facilities proportionate to the accessibility of the location.
60. However, the scheme would conflict with the development plan insofar as it has not been demonstrated that it would have an acceptable effect on human health. Given the importance of human health within the development plan and indeed generally, the proposal falls into conflict with the development plan when read as a whole.
61. Likewise, given the unresolved effect of the scheme on human health, it is my judgment that its aforementioned benefits do not amount to considerations which indicate that I should make my decision other than in accordance with the development plan. This is before the shortcomings of the proposal's design in relation to its inaccessibility to services and facilities are factored into the balance.

Conclusion

62. For the reasons given above, and taking all other matter raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Cairnes KC	King's Counsel, instructed by FWS Carter & Sons Ltd
Chatura Saravan	Counsel

They called:

Alexander Farnell BSc(Hons) MA MCIfA	Associate Director, Avalon Planning & Heritage
Nick Perrett BA (Hons) CMLI Dip-LA	Director, Redbay Design Landscape Consultants.
Martin Blunden QFSM MIFIREE	Greenfire Solutions
Gavin Spiller BA (Hons) MA MRTPI	Planning Director, Avalon Planning & Heritage

FOR THE LOCAL PLANNING AUTHORITY:

Anna Stein	Counsel, instructed by Damien Hunter, Planning Solicitor, East Devon District Council
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They called:

Bill Horner BA CIFA FSA	Country Archaeologist and Historic Environment Manager
Chris Hariades MA CMLI	District Landscape Officer
Ian Winter MSc REnvH MCIEH AMIOA	Environmental Health Officer
Lynee Shwenn BA (Hons) BTP MRTPI	Senior Planning Officer

INQUIRY DOCUMENTS

ID1 - Council appearances list

ID2 - List of Historic England Registered Battlefields

ID3 - Appellant opening statement

ID4 - Council's opening statement

ID5 - Appellant's energy data in graph form

ID6 - Council closing statement

ID7 - Appellant closing statement