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## Appeal Decision

Site visit made on 17 June 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

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**Appeal Ref: APP/U1105/W/25/3361389**

**Land Adjacent to Hillcrest, Awliscombe**

- 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 R Falle against the decision of East Devon District Council.
  - The application Ref is 23/1276/MOUT.
  - The development proposed is outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal application form describes the scheme as a '*proposed residential development*'. Whilst I have not been provided with evidence of agreement to a change in the description, the proposal has been advertised as per the banner heading above which has been taken from the Council's decision notice and is broadly consistent with the appellant's evidence and indicative plans.
3. The only detailed matter of the scheme is the access. As such, in view of the outline nature of the scheme, the illustrative masterplan has been treated as indicative in nature.
4. A change of use of agricultural land to recreational uses was granted in August 2024<sup>1</sup> on adjoining land to the south of the appeal site. Whilst it has not been implemented, I have considered its relevance and relationship to the appeal scheme.
5. A unilateral undertaking (UU) made as a deed under S106 of the Town and Country Planning Act 1990, as amended, was received on the 30 April 2025. I return to this further below.
6. Following the publication of the revised National Planning Policy Framework (the Framework) in December 2024, the Council has accepted that it can no longer demonstrate a five year supply of housing with the relevant buffer, which differs from the position at the time of its decision. The position is alleged to be in the region of a 2.97 year supply which the Council does not refute, though the related shortfall in numerical terms is less clear. I return to this matter below.

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<sup>1</sup> Planning reference: 23/1271/FUL

## Main Issues

7. The main issues in this appeal are:

- whether the scale, nature and location of the development accords with the development plan in respect of accessibility to facilities and services;
- the effects of the proposal on the character and appearance of the area, including on the setting of the Blackdown Hills National Landscape (BHNL); and
- whether the submitted planning obligation would adequately secure affordable housing; and
- whether the development would result in the loss of Best and Most Versatile (BMV) agricultural land.

## Reasons

### *Location of development*

8. The appeal site enclosed by the red line on the Site Location Plan extends to around 1 hectare of pastoral agricultural land that lies in a position between the two respective built parts of the rural settlement of Awliscombe. It is accessed via the A373 to the north. The nearest main settlement to Awliscombe is Honiton, which lies some 2km in a broadly south-easterly direction.
9. Awliscombe is a village that has a small primary school and village hall. Its public house is not currently open for business and appears to be for sale. These current and former everyday facilities serve the village residents from the concentrated area of the village to the north-west side. Another separated cluster of the village, comprising around 18 properties, are around 400 metres away to the south-east. There are some connecting footways along much of the A373 but there are also pinch points where footways are absent that limit safe pedestrian connectivity between the respective parts of the settlement. Whilst it is suggested that bus stops lie in close proximity to the site, there is no cogent evidence of regular services that assist residents getting to and from nearby service towns without a high degree of dependency on private vehicles.
10. In policy terms, the development plan for the area comprises the East Devon Local Plan 2013-2031 (adopted 2016) (Local Plan) and East Devon Villages Plan (2018). Strategy 1 of the Local Plan sets the target of a minimum of 17,100 new homes over the plan period and sets the distribution strategy of focussing most development in the seven main towns of East Devon to serve their own needs and the needs of surrounding rural areas. It also sets out how development in smaller towns, villages and rural areas will be geared to meeting local needs.
11. Strategy 27 sets out a list of villages of varying size and character which are considered to offer a range of accessible services and facilities to meet many of the everyday needs of local residents, including reasonable public transport. The Strategy text also goes on to refer to the 'Built-up Area Boundary' (BUAB) that each will have defined in the Villages Plan, though it is clarified that none will have any specific allocations. Awliscombe is not a village listed in Strategy 27 and therefore, does not have a BUAB.

12. Alternatively, Strategies 7 and 27 promote communities producing Neighbourhood Plans or promoting community led development if it wishes to see development beyond that in the Local Plan for the listed settlements or any other settlement. There is no Neighbourhood Plan for Awliscombe. Whilst a dated consultation document<sup>2</sup> suggests that the site was considered for allocation for 20 dwellings and a football pitch, this did not become adopted policy. As such, there is no specific supportive policy and the appeal scheme does not appear to be a community-led scheme in this context or having regard to the majority of comments submitted in respect of the same.
13. Strategy 7 of the Local Plan indicates that all areas outside of BUABs are in the countryside and that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such and where it would not harm the respective area's distinctive landscape, amenity and environmental qualities.
14. Strategy 5B and Policy TC2 of the Local Plan seek for development to be located so as to be accessible, efficient and safe by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.
15. The proposal is for a sizeable residential development that would expand a village with limited facilities that does not have a BUAB, in a location where a high degree of reliance on vehicles persists and where there are challenges to facilitating safe pedestrian movements to village facilities. Furthermore, the scheme is not specifically supported or promoted by the community as a means to meet its needs. The proposal therefore conflicts with Local Plan strategies 1, 7, 27, 5B and policy TC2 in respect of its scale, location and access to facilities.

*Character, appearance and setting of BHNL*

16. The appeal site is characteristic of the wider Landscape Character Type 3 (LCT) 3B Lower Rolling Farmed and Settled Slopes<sup>3</sup> in that it is an agricultural landscape with a village, set on a gently rolling landscape, with patches of woodland and hedgerow trees, and long views towards the surrounding landscape. It is the most extensive LCT across East Devon. However, the appeal site and the southern side of Awliscombe more generally, borders the Blackdown Hills (NL) (formerly Area of Outstanding Natural Beauty (AONB)) which is located to the north side of the A373.
17. The introduction of a residential development of scale onto the appeal site would result in a harmful landscape character change. The relationship of the appeal site to adjoining residential areas, at least on some sides, would moderate this to some degree, but the contribution of its greenness and openness as part of the patchwork of agricultural land that makes up a large part of the LCT would be harmed by at least a moderate degree.
18. The site is extensively visible by road users and by users of the footway alongside the A373. Whilst not widely visible from other footpaths, there are clear views to the site from a footpath towards and on the tip of Buckerell Knap, 'Bushy Knap'. Due to the scale and nature of the proposal and sensitivity of walkers on the

<sup>2</sup> SoC appendix EJFP2, East Devon Village Development Plan - Draft Document for Consultation (2014)

<sup>3</sup> as defined in the East Devon District Landscape Character Assessment (2019)

footway and Bushy Knap footpath, the proposal would result in a harmful visual change. Whilst the retention of hedgerows and introduction of a landscaping scheme would moderate the effects to some degree, the urbanising effects over such an area would not be capable of being entirely screened from view. Thus, there would be visual harms of a moderate magnitude.

19. As visible from the site and surroundings, the BHNL is a patchwork of fields with hedgerows and trees on a gentle, sweeping slope up to a wooded ridge which is relatively unspoilt and has a sense of being deeply rural and isolated. Despite being outside of the BHNL, the site shares similar qualities and links the agricultural landscape up through the settlement of Awliscombe.
20. Through the introduction of a sizeable residential development with associated roads and domestic paraphernalia, the proposal would sever the tract of agricultural land and join the respective built parts of Awliscombe. There would be an increase in activity and reduction in the tranquillity and visual quality that the open field contributes to the special qualities of the BHNL. As such, the proposal would result in a harmful change to a site that contributes to the setting of the BHNL and in particular in views towards it from Bushy Knap. Though landscaping could be used to integrate and soften the effects of the proposal, there would still be residual landscape character and visual effects beyond its establishment.
21. Taking the above together, the proposal would result in harms to the landscape character and visual amenities of the area, with harm to the setting of the BHNL. As a result, the proposal conflicts with Strategy 46 and Policy D1 of the Local Plan. Collectively, these policies seek to ensure that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located, including, important natural and manmade features which contribute to the local landscape character.

#### *Planning obligation*

22. The Planning Statement supporting the application details that the scheme would deliver the proposed dwellings, including affordable dwellings, 4 downsizing dwellings, a shop and provision of land for a new village hall/recreational space.
23. The Heads of Terms (HoTs) expands on the proposed offer and details that the downsizing units are to be occupied by people over 60 years of age; the affordable houses would be let in accordance with a 'Local Lettings Plan'; the village shop would be provided within six months of the occupation of the final dwelling and contributions would be made towards the primary school and habitat mitigation as required. The HoTs also details that approximately 11,500sq m of land would be transferred to the Parish Council for use as a village recreational space with associated car parking for the benefit of the Village within six months of the date of the completion of the development, if not before. Despite the village hall forming a part of the title of the HoTs document, provisions for such do not appear in the body of the text.
24. Notwithstanding that it is shown on the proposed indicative plans, the recreational area already has planning permission. It has not been an element described within this specific proposal and therefore, I am clear that it should not form part of this scheme to be secured by way of any planning obligation made under S106 of the Town and Country Planning Act 1990.

25. A UU was submitted with the appeal scheme which provides for 8 affordable housing units to be secured by way of the submission of a scheme, with relevant timing provisions and eligibility criteria relating to the same. An observation is that there appears to be a contradiction between 1.15 and 1.15.5 in terms of which parish occupants should be locally connected to in the first instance, i.e. Gittisham or Awliscombe and Weston. Nevertheless, if assumed to be correct, and I have no evidence to the contrary, the UU provides for 8 affordable dwellings which would provide 40% of a fixed total of 20 no. dwellings. Strategy 34 of the Local Plan appears to require a 50% provision of affordable housing but the Council's acceptance of a reduced amount is based on a 'pragmatic approach' in light of the deficit in housing land supply.
26. The UU does not provide for the village shop, village green, hall or contributions towards education provision or habitat mitigation as referred to elsewhere in the appellant's evidence. The appellant's final comments refer to the third reason for refusal and the absence of a mechanism to secure the affordable housing. It may also be that the other elements of the scheme are not required by policies of the development plan such as to be necessarily required, but as proffered benefits of the scheme for which there are no means of securing delivery, I attribute limited weight to these aspects.
27. However, insofar as the UU at least secures the provision of 40% affordable housing of a scheme of 20 dwellings, the scheme would accord with the principles of Strategy 34 of the Local Plan.

#### *BMV Land*

28. The appeal was submitted with an Agricultural Land Classification Survey<sup>4</sup> which details that, on the basis of its baseline classification, basic geological conditions, limited crop diversity and annual yields, the site falls into sub-category 3b and therefore not within the grades of agricultural land that comprise BMV. The Council has not produced any evidence to the contrary.
29. Consequently, the appeal scheme would not give rise to a loss of BMV and does not conflict with Policy EN13 of the Local Plan which seeks to protect BMV land from development not associated with agriculture or forestry and only grant permission exceptionally where an overriding need for the development can be demonstrated.

#### **Conclusion**

30. In respect of its scale and location and access to limited facilities by means other than private vehicle, the proposal conflicts with the development plan. Further conflicts arise as a result of the harms to the character and appearance of the area, and effects on the setting of the BHNL. Therefore, the proposal conflicts with the development plan when taken as a whole.
31. In the absence of evidence to the contrary, the Council can only demonstrate a 2.97 year supply of housing land against the minimum requirement expressed in the Framework of 5 years' worth with an associated buffer. Though the shortfall in the number of dwellings has not been precisely quantified, the undersupply of two

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<sup>4</sup> Kivells, 26 February 2025

years' worth of housing is material and engages the provision of paragraph 11 d) of the Framework.

32. Given the shortfall in housing land, the development plan housing targets and overarching spatial strategy as outlined in Strategies 1, 7 and 27 of the Local Plan attract limited weight.
33. The Framework indicates, in paragraph 110, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in both plan-making and decision-making. Policies TC2 and Strategy 5B of the Local Plan are still capable of attracting some weight as a means to secure sustainably located development. In this case, the village has few facilities and walking from the appeal site side of the village to them is challenging. I have limited evidence of public transport services that assist with connectivity to facilities in the wider area. Therefore, I envisage that residents would be highly dependent on private vehicles, and whilst the journeys to at least Honiton would be relatively short, the site is not well located for the scale and nature of development proposed. This aspect weighs against the scheme.
34. The policies that seek to protect the locally distinctive character and visual quality of the area, including the National Landscape setting still attract weight and are consistent with the aims of the Framework to contribute to the natural environment in recognition of the intrinsic character and beauty of the countryside.
35. Under Framework paragraph 11 d) ii), I am required to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
36. The benefits would result from the delivery of a contribution to the supply of housing of around 20 dwellings in the context of a housing supply shortage in excess of 2 years' worth. There would also be benefits from the delivery of affordable housing in an area with an acknowledged need for such. These benefits attract great weight. Other benefits, in relation to temporary construction phase economic benefits and unsecured community facilities attract limited weight.
37. The adverse impacts would result from the heavy degree of reliance on private vehicles by the future occupiers of the scheme relative to its scale and from the harms to the locally distinctive character and visual quality of the area, including the setting of the National Landscape. Therefore, on balance, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the appeal scheme having particular regard to key policies of the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
38. Consequently, the presumption in favour of sustainable development does not apply and there are no other considerations that indicate that permission should be granted other than in accordance with the development plan. The appeal is therefore dismissed.

*H Nicholls*  
INSPECTOR