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## Appeal Decision

Site visit made on 6 January 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

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**Appeal Ref: APP/Q1153/W/25/3365747**

**Development site at Sx511893, Town Meadow, Bridestowe EX20 4BR**

- 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 Leander Developments Ltd and Mrs Northcott against the decision of West Devon Borough Council.
  - The application Ref is 3828/24/FUL.
  - The development proposed is construction of 28 dwellings (single & two storey) with associated infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of 28 dwellings (single & two storey) with associated infrastructure at Development site at Sx511893, Town Meadow, Bridestowe, EX20 4BR, in accordance with the terms of the application, Ref 3828/24/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by the appellants against the Council. This is subject of a separate decision.

### Preliminary Matters

3. I have used the description of the development from the Council's decision as it more precisely defines the nature of the development.
4. A unilateral undertaking (UU) made under S106 of the Town and Country Planning Act 1990, dated 16 June 2025, was received in connection with the appeal. I return to this below.

### Main Issues

5. The main issues in the appeal are:
  - whether the lighting strategy would be acceptable;
  - whether the scheme could achieve satisfactory levels of biodiversity net gain (BNG);
  - whether the scheme could achieve sufficient carbon reduction measures; and
  - whether the scheme would provide appropriate levels of car parking.

## Reasons

6. The application site is part of a wider field to the north of the recent housing development, Town Meadow. The site has a lengthy planning history<sup>1</sup> relevant to this appeal, including appeal decisions from 2023 and 2024 ('the 2023 appeal' and '2024 appeal') and has previously benefited from outline permission granted in 2018 for 24 dwellings. The current proposal is to create a cul-de-sac arrangement of 28 dwellings linking to the existing Town Meadow. Dwellings would be arranged on both sides of the estate road and would include a mixture of bungalows and two storey houses with either two or three bedrooms across both affordable and open market tenures.

### *Lighting strategy*

7. The lighting strategy proposed under the current scheme shows lights affixed to most of the dwellings, on both front and rear elevations, in broadly the same positions as that approved under a planning condition of the now expired outline planning permission<sup>2</sup>.
8. The number of lighting features would be relatively modest and the lighting plan includes annotations to suggest that all external lights would be 2-5 lux, Light Emitting Diodes LEDs for carbon reduction; all external luminaries to be downward directional to limit light spill and all lights to be warm white (long wavelength) lights for reducing negative impact on insects and bats.
9. In terms of the location of the lights in relation to external boundaries, the northern boundary is proposed to be created by the development so is not a current linear flight line across the site. The proposal to create partial dark corridors across this northern boundary, particularly in close proximity to the attenuation pond, would be a positive aspect of the development.
10. In relation to the eastern boundary, the proposed lights on the rear of Plots 1 and 2 would be closest to the exposed intervening boundary of the site and an adjoining bungalow. This would appear to be compromised as a flight path already and would not be materially affected by any limited degree of light spill that could be created by the proposal. There are no other lights that would be directed towards the eastern boundary.
11. In relation to the western boundary, there would be three lights on elevations facing towards the tree lined boundary, however, they would be at distances greater than the previously approved lighting scheme and both the downward directional facing lights and position of garages forward of the lights in relation to the hedgerow would help to contain light spill.
12. As such, there is sufficient detail to ascertain that light spill would be limited and the flightlines of bats would not be materially affected by such.
13. In view of the above, the proposal complies with, in particular, policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which, amongst other things, seeks to ensure development does not harmfully affect any

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<sup>1</sup> Outline planning permission for up to 24 dwellings, Ref. 2472/17/OPA, some conditions of which were discharged under Ref 1291/22/ARC; Reserved matters application, Ref 2957/21/ARM, refused and dismissed on appeal under Ref APP/Q1153/W/22/3293078. Another subsequent full application, Ref 2861/23/FUL, was refused and dismissed on appeal under Ref APP/Q1153/W/23/3334616.

<sup>2</sup> Ref 1291/22/ARC

European or UK protected species or Biodiversity Action Plan habitats and species.

### *BNG*

14. Whether or not BNG can be adequately secured at appropriate levels has been the subject of previous decisions on the appeal site. Whilst the outcome was a dismissal of the 2024 appeal, it was concluded that the proposed 10.34% BNG would comply with policy 26 of the JLP and the *Plymouth and South West Devon Supplementary Planning Document* (2020) (SPD). The mechanism for securing such was not obviously at issue.
15. The BNG metrics submitted with the appeal application demonstrate 13.51% habitat units, and 164.76% hedgerow units above the 10% requirement. Despite some minor inconsistencies between the baseline values reported by different ecologists, the process requires the values to be established again prior to commencement of the development and there appears sufficient headroom in case of any error between the baseline and predicted values.
16. The UU includes obligations in relation to the pre- and post- development onsite biodiversity values and the biodiversity gain plan (or plans) that shall be submitted to the Council for approval prior to commencement of any development. Should it be necessary as a last resort, offsite biodiversity gains or statutory biodiversity credits could be secured through the same mechanism prior to the development occurring.
17. In view of the above, the scheme can secure satisfactory levels of BNG in accordance with policy DEV26 of the JLP.

### *Carbon reduction measures*

18. Policy DEV32 (5) says that all major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20% less than required to comply with Building Regulations Part L.
19. The Sustainability and Energy Statement and Carbon Reduction Plan<sup>3</sup> (the Carbon Reduction Plan) which demonstrates that each of the four house types would achieve a minimum of 20% (maximum of 29%) betterment of kgCO<sub>2</sub>/m<sup>2</sup> above Building Regulation 2021 for all dwellings as a fabric first approach, incorporating a combination of air source heat pumps (ASHPs) and solar PV panels. The element of renewable energy generation has not been separated out in the calculations as has been the case for other examples of approvals given by the Council<sup>4</sup>. Using the calculation method as used in a number of other examples, '*dwelling carbon emission rate – target carbon dioxide emission rate = % dwelling carbon emission rate*', the house types would achieve between 71% - 80% betterment above Building Regulations 2021 (2022).
20. As such, subject to compliance with the Carbon Reduction Plan, the proposal is fully capable of achieving sufficient carbon reduction measures in accordance with policy DEV32 of the JLP.

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<sup>3</sup> Appendix 8

<sup>4</sup> Refs 0436/24/ARC, 2300/24/ARC, 0832/25/ARC and 0126/25/ARC

### *Parking provision*

21. The issue of integration of parking courts and parking arrangements has been considered as part of previous schemes on the site, with a need to minimise the dominance of the car.
22. In terms of policy requirements, JLP policy DEV29 seeks to ensure that developments provide and manage suitable car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network. The SPD, paragraph 8.7, provides a table demonstrating the indicative number of parking spaces required, which notes 2 spaces for both two- and three-bedroom dwellings. Policy H7 of the *Bridestowe and Sourton Neighbourhood Plan 2016– 2034* (made 2021) (BSNP) states that *appropriate levels of off-street parking should be provided i.e. 2 parking spaces for 2 bedroom houses and 3 for larger houses, subject to viability and, where possible, include additional off road visitor parking spaces.*
23. The proposal would provide a minimum of two vehicle spaces on a driveway, and in most cases driveways could accommodate another vehicle. Many dwellings also have suitably sized garages to accommodate additional parking if desired. Whilst Paragraph 8.7 of the JLP SPD notes that additional visitor parking may be required, and Policy H7 of the BSNP requires visitor spaces ‘where possible’, it is not an absolute requirement. The shared surface main street has been designed to be sufficiently wide for the unlikely event of two HGVs needing to pass one another and could provide the ability for some on-street visitor parking, where needed.
24. The proposal has provided at least the necessary parking provision under the JLP and BSNP, with some inbuilt additional capacity. The more discretionary requirement to provide visitor parking would be more likely to raise the issue of a car-dominant design quality again, to the detriment of the scheme as a whole. Furthermore, whilst the Council’s reason for refusal suggests that parking for residents and visitors is also at a premium, no parking stress surveys or similar evidence has been provided to substantiate this claim. It should also be borne in mind that the appeal scheme differs from the adjoining completed development in terms of layout and parking provision.
25. For the foregoing reasons, the proposal would provide sufficient car parking, such as to comply with policy DEV32 of the JLP and Policy H7 of the BSNP.

### **Other Matters**

26. I have considered the views of local residents and representatives submitted in connection with the appeal scheme.
27. Whilst it is suggested that there is limited public transport available in the area and concerns about the scale of the proposal relative to the village, the site is considered to be a sustainable location for new development by virtue of its inclusion within the settlement boundary of the BSNP and it has the capacity to accommodate the scale of the development proposed. This is irrespective of how it compares to other sites in the BSNP.

28. The need for the development has not gone away either, as even with another site being developed elsewhere within the neighbourhood plan area, there is still a housing shortfall within the wider JLP area; a point to which I return later.
29. Though concerns have been raised in connection with traffic congestion, the construction phase would be managed through a construction traffic management plan (CTMP) for the relevant temporary period.
30. Issues of capacity at the local school have been raised by local residents but have not been substantiated by the Council's consultee on this issue and no contribution towards increasing capacity has been sought specifically to accommodate new pupils that may be generated by the development.
31. Issues of flooding have been addressed through consultation with both the Environment Agency and any residual issues can be addressed by way of planning condition. The long-term management of the attenuation pond will be addressed by way of a planning condition.
32. The design has been adapted to consider the effects on the living conditions of neighbouring occupiers. I do not consider that there would be material harm through overlooking, overbearing or other loss of light given the intervening distances between proposed dwellings, intervening boundary features and facing elevations.
33. The potential impact on the setting of the Grade II\* listed, Church of St Bridget has been raised by a local resident. Having regard to my duties under S66 of the Listed Building and Conservation Areas Act 1990 and under the National Planning Policy Framework (the Framework), given the siting, scale and nature of the scheme, I find that the significance of the listed building would be unharmed.
34. I also note that local residents allege that there has been a lack of meaningful public consultation in relation to the appeal scheme, in contrast with other local schemes on which consultation appears to have taken place. Whilst it may be that there has been a difference between the respective approaches, formal consultation has taken place during the numerous applications which have been considered for the appeal site. The absence of other consultation does not alter the need for me to consider the appeal scheme specifically on its planning merits.
35. My attention has also been drawn to the Council's inability to demonstrate a five year supply of housing land as required by the Framework. The current agreed position is around 2.5 years' worth, and at around half of the necessary requirement. This is a significant material consideration in favour of the scheme which would deliver 28 dwellings, including 30% affordable housing.

### **Planning obligation**

36. The submitted UU provides for:
  - 30% affordable housing across a mix of tenures;
  - Measures to secure BNG;
  - A financial contribution towards secondary education transport; and
  - A financial contribution of c.£95,984 toward open space and sport provision and maintenance.

37. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (CIL), as amended, and the Framework (paragraph 58) set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. The Council has outlined the necessity for the various components of the UU and the relationship between the relevant policies of the development plan.
38. I am satisfied based on the evidence and the wording of the UU that all of the obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can be taken into consideration. This relates also to the open space, sport and recreational contribution for which the Council has provided a specific justification statement.

### **Planning Balance**

39. For the foregoing reasons, the appeal scheme accords with the development plan when taken as a whole. There are no adverse impacts or other considerations that indicate that a decision should be taken other than in accordance with the adopted development plan.

### **Conditions**

40. I have considered the suggested conditions in light of the tests for conditions in the Framework and Planning Practice Guidance (PPG). Pre-commencement conditions have been kept to a strict minimum. A condition setting out the time limit for commencement of the development is necessary, as is a condition specifying the approved plans.
41. In the interests of providing a safe highway environment, conditions are needed to require the provision of the access with its attendant visibility splays and highway furniture.
42. In order to minimise disruption to local residents and users of the highway more generally, a condition is needed to require the construction phase to follow the approved Method of Construction Statement.
43. A condition is needed in order to ensure the implementation of the drainage scheme and its long-term management.
44. To protect the biodiversity interests of the site and surrounding area, a condition is needed to require the implementation of a Construction Environment Management Plan. For similar reasons, a condition is required to secure adherence to the submitted ecology report. To secure adequate BNG, a condition is suggested which can be observed in addition to the obligations in the UU.
45. To protect human health, a condition is needed to require any unexpected contamination to be adequately remediated.
46. In order to protect the character and appearance of the area, details of the external materials are required by way of a planning condition. For similar reasons, details of the hard and soft landscaping scheme to be implemented are required by way of planning condition.

47. To ensure that the landscape and ecology measures are implemented and adequately maintained, a condition is necessary to secure a Landscape and Ecology Management Plan.
48. In order to accord with the environmental policies of the development plan, a condition is required to secure the electric vehicle charging points. As a Waste Audit Statement is already listed as an approved document under condition 2, a condition requiring the submission of such would result in unnecessary duplication and is not necessary. However, the development plan does require the implementation of an employment and skills plan, which shall also form a requirement of a planning condition.
49. To ensure the safety of future occupiers and to prevent the increased risk of flooding elsewhere, conditions have been suggested by the Environment Agency in relation to finished floor levels and the proposed flood storage compensation scheme. It is also necessary to impose these conditions in the interests of comprehensiveness.

### **Conclusion**

50. The scheme complies with the development plan and, in the absence of reasons that the decision should be taken other than in accordance therewith, the appeal should be allowed.

*H Nicholls*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans and documents:
  - LP.01 Rev B Location Plan received on 2 December 2024
  - ELL\_01 Rev D External Lighting Layout received on 2 December 2024
  - EV\_01 Rev C Electric vehicle charging point - Key plan received on 2 December 2024
  - HT.SAGE.pe Rev B Plans and elevations received on 2 December 2024
  - HT.THYME.e Rev B Elevations received on 2 December 2024
  - HT.THYME.p Rev A Plan received on 2 December 2024
  - HT.PAR.pe Rev B Plans and elevations received on 2 December 2024
  - HT.ROSEMARY.pe Rev C Plans and elevations received on 2 December 2024
  - LEMES.01 Rev C LEMES Masterplan received on 2 December 2024
  - LEMP.01 Rev D Landscape Ecological Management Plan received on 2 December 2024
  - ML.01 Rev D Materials Strategy Layout received on 2 December 2024
  - PVL\_01 Rev A Photovoltaic panel location plan received on 2 December 2024
  - RS\_01 Rev C Refuse Strategy Layout received on 2 December 2024
  - SL.01 Rev D Site Layout received on 2 December 2024
  - 1172 02-RP-2001 Rev C Preliminary Road Profile (Sheet 1 of 2) received on 2 December 2024
  - 1172 02-PHL-2002 Rev C Preliminary Road Profile (Sheet 2 of 2) received on 2 December 2024
  - 1172 02-SK-2001 Rev H Construction Stage Drainage Plan received on 2 December 2024
  - 1172-02-DR-1002 Rev G Flood Level Plan received on 4 February 2025
  - 1172-02-DR-1001 Rev M Drainage Layout received on 4 February 2025
  - 1172-02-GA-101 Rev J Highways Layout received on 4 February 2025
  - Landscape and Visual Impact Assessment 792/01 Rev D
  - Landscape Plan 792/02 Rev D Details and Notes 05578
  - TCP 11.07.22 Tree Constraints Plan Sheet 1 of 5 05578
  - TCP 11.07.22 Tree Constraints Plan Sheet 2 of 5 05578
  - TCP 11.07.22 Tree Constraints Plan Sheet 3 of 5 05578
  - TCP 11.07.22 Tree Constraints Plan Sheet 4 of 5 05578
  - TCP 11.07.22 Tree Constraints Plan Sheet 5 of 5 05578
  - TPP 11.10.24 Tree Protection Plan Sheet 1 of 1 Tree Survey Ref. 05578
  - Compliance Report – PARSLEY BREL
  - Compliance Report – ROSEMARY BREL
  - Compliance Report – SAGE BREL
  - Compliance Report – THYME
  - Predicted Energy Assessment – PARSLEY
  - Predicted Energy Assessment – ROSEMARY
  - Predicted Energy Assessment – SAGE

- Predicted Energy Assessment – THYME Utility Statement
  - Ecological Impact Assessment Ref: SWE 993 Ecology Report Ref: SWE 885
  - Flood Risk Assessment
  - Sustainability and Energy Statement and Carbon Reduction Plan
  - Statutory Biodiversity Metric Calculation Tool - Rev 02 25.11.2024
- 3) The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the application drawings.
- 4) No part of the development hereby approved shall be commenced until:
- a. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
  - b. The ironwork has been set to base course level and the visibility splays required by this permission laid out.
  - c. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
- 5) The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- a. The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - b. The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - c. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - d. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - e. The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined.
- 6) Only the approved details of the Method of Construction Statement (Version A CSS\_01 Rev C), which includes details of:
- a. Parking for vehicles of site personnel, operatives and visitors;
  - b. loading and unloading of plant and materials;
  - c. storage of plant and materials;
  - d. programme of works (including measures for traffic management)
- shall be implemented during the construction period.
- 7) No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

- b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
- d. A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) – (d) above.

- 8) Notwithstanding the submitted details, a Construction and Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority before works commence. Construction of the development shall not be carried out other than in accordance with the approved CEMP. The CEMP shall include the following:
- a. Risk assessment of potentially damaging construction activities.
  - b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - c. The location and timing of sensitive works to avoid harm to biodiversity features.
  - d. The times during construction when specialist ecologists need to be present on site to oversee works.
  - e. Responsible persons and lines of communication.
  - f. The role and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person.
  - g. Use of protective fences, exclusion barriers and warning signs.
  - h. Details of noise and dust suppression measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.
- 10) The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the submitted Ecology Report Version 1 dated 6th July 2023 unless otherwise agreed in writing by the Local Planning Authority.
- This condition shall be discharged when the consultant ecologist confirms in writing to the Local Planning Authority that the recommendations have been implemented.

- 11) Notwithstanding the submitted, prior to commencement of development a Biodiversity Net Gain report and metric shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved BNG report.
- 12) Prior to their installation, details/samples of all facing materials, windows, doors, and roofing materials to be used in the construction of the proposed development, including colour and finish, methods of fixing, any mortar/pointing, shall be submitted to and approved in writing by the Local Planning Authority. Slate shall be natural and of UK or EU origin. The development shall then be carried out in accordance with those details/samples as approved, being retained in the specified form thereafter.
- 13) Notwithstanding the submitted details no works in connection with the development hereby approved shall commence unless a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the planning authority. The LEMP shall include the following:
- Description and evaluation of features to be managed.
  - Ecological trends and constraints on site that might influence management.
  - Aims and objectives of management.
  - Appropriate management options for achieving aims and objectives.
  - Prescriptions for management actions.
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - Details of the body or organization responsible for implementation of the plan.
  - Ongoing monitoring and remedial measures.
  - Details of the mechanisms by which the long term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.
- The plan shall also set out how contingencies and remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in accordance with the approved LEMP.
- 14) Notwithstanding the submitted details, prior to development continuing above slab level full details of both hard and soft landscape works shall have first been submitted to, and approved in writing by the Local Planning Authority. The Landscape Plan shall include details of:
- Existing features for retention and means of protection during the development;
  - Features to be removed with clear justification for the proposed removal;
  - The location, species, density and size of proposed tree, shrub and hedge planting;
  - The means of establishment, protection and maintenance of the trees, shrubs and hedges;
  - Materials, heights, levels and details of hard landscaping;
  - Materials, heights and details of fencing and other boundary treatments;
- All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed before the end of the

current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given to any variation. The landscaping plan shall be strictly adhered to during the course of the development.

- 15) Prior to the commencement of development an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the construction phase. The approved Plan shall be implemented and adhered to during the construction of the development and in accordance with those details approved.
- 16) The approved EV charging points shall be installed and be available for use prior to occupation of each dwelling hereby approved.
- 17) The development shall be carried out in accordance with the finished floor levels shown drawing ref.1172-02-DR-1002 (Rev G). These finished floor levels must be retained and maintained throughout the lifetime of the development.
- 18) The development shall be carried out in accordance with the details shown in drawing ref. 1172-02-DR-1002 (Rev G). A 2m wide flood compensation area beyond the boundary shall be cut by 300mm and tapered back to existing levels. The flood compensation area shall be fully implemented prior to occupation and must be retained and maintained throughout the lifetime of the development.

ENDS -----



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## Costs Decision

Site visit made on 6 January 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

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### **Costs application in relation to Appeal Ref: APP/Q1153/W/25/3365747 Development Site at Sx511893, Town Meadow, Bridestowe EX20 4BR**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Leander Developments Ltd and Mrs Northcott for a full award of costs against West Devon Borough Council.
  - The appeal was against the refusal of planning permission for construction of 28 dwellings (single & two storey) with associated infrastructure.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Applications for costs may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The applicants make an application on the basis of both procedural and substantive unreasonableness on the part of the Council.
4. The applicants outline that the current appeal is the third appeal on a site which is within the settlement boundary of the *Bridstowe and Sourton Neighbourhood Plan* (made 2022). It is also claimed that all previous matters raised had been addressed by the previous appeal proposal, leaving little between the parties, but yet, the Council refused permission for reasons which had previously been resolved. It is also alleged that planning permission has been refused for grounds capable of being dealt with by conditions and that the Council has not co-operated with the applicants or determined like cases in a consistent matter. It is also alleged that the Council has made vague, generalised and inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis and that development has been prevented or delayed which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The Council has defended the refusal of permission by reference to the lapse of the previous outline planning permission and promotion of its pre-application engagement service. The Council claim that it has exercised its duty to determine the planning application in a reasonable manner and that the appeal proposal should not clearly have been permitted given that it is not in accordance with the

development plan and as material considerations, including national policy, do not indicate that planning permission should have been granted.

6. In my separate decision, I have found that the scheme is compliant with development plan policy or where necessary, conditions were capable of being used to resolve any outstanding matters to make the development acceptable. In my view, there were many material considerations, not least the extensive planning history on the site and Council's lack of five year housing land supply, which indicated that co-operation and pragmatism were warranted to reach an agreeable positive outcome. As a result, the development should not have been delayed at all and an appeal should have been entirely avoidable.
7. There appears to be merit in many of the allegations put by the applicants in terms of the need for greater co-operation and consistency on the part of the Council. The Council's defence on these procedural aspects emphasises the need to consider the scheme afresh as the previous outline permission had lapsed, particularly in light of the absence of pre-application engagement. However, a detailed finding in respect of each point is not necessary as it would not alter the key outcome that I find the Council at fault for behaving unreasonably by delaying development that should clearly have been permitted.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary expense has occurred and a full award of costs is therefore warranted.

#### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Devon Borough Council shall pay to Leander Developments Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicants are now invited to submit to West Devon Borough Council, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*H Nicholls*

INSPECTOR