



Appeal Decision

Hearing held on 20 May 2026

Site visits made on 20 & 21 May 2026

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2026

Appeal Ref: APP/U1105/W/26/3377572

Land at Abbey Road, Dunkeswell

- 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 P Aubery of Tavistock Green Limited against the decision of East Devon District Council.
- The application Ref is 25/0731/MOUT.
- The proposal is for residential development for up to 65 dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline proposal with landscaping, appearance, layout and scale (the reserved matters) being reserved for later consideration, and only access being considered at this stage. Moreover, it was confirmed that this matter of access related solely to where the internal estate road would join with the adopted highway and its associated visibility splays, and access to proposed dwellings within the site would be addressed when considering the reserved matter of the scheme's layout.
3. At the opening of the Hearing the appellant confirmed it was the intention to provide a second access point onto Abbey Road to be used in emergencies, and this was shown indicatively on the Illustrative Masterplan. However, just before the Hearing closed, the appellant withdrew this element of the scheme, and accepted there would be one access point only, namely the one on the southern side shown on Drawing JG01 Rev A.
4. I have therefore treated all elements of the submitted plans, apart from the access details described above, as being illustrative but informative, showing how the appellant currently intends to accommodate the development on the site.
5. In places in the submissions, the road bounding the southern side of the site that would have the development's proposed access was referred to as Manleys Lane. There seemed to be some uncertainty about this though, and I note that is the name given to a nearby cul-de-sac. I will therefore refer to this road on the southern side as the main road, as it is the principal road through the village. In referring to it in this way though I recognise it is neither 'A' nor 'B' classified.

Main Issues

6. The main issues in this case are

- a) whether the development is acceptable in principle;
- b) whether it would conserve and enhance the landscape and scenic beauty of the Blackdown Hills National Landscape;
- c) whether it would harm the significance of designated and non-designated heritage assets by reason of its effect on their respective settings;
- d) whether this is a sustainable location;
- e) whether the economic and other benefits of best and most versatile agricultural land have been recognised;

and, if harm and/or policy conflict would be caused by any or all of the above

- f) whether, having undertaken relevant balancing exercises, material considerations exist that indicate a decision should be otherwise than in accordance with the development plan.

Reasons

The principle of the development

7. The built form of Dunkeswell is concentrated in 3 areas. To the north-west is a working airfield (the airfield), with a large estate of modern industrial units adjacent (the industrial estate). To the south is an area of relatively modern housing known as Highfield, and in between is the part of the village that is focussed on its historic core, which I will refer to as old Dunkeswell. These 3 areas are generally separated by fields and woods, but linked by the main road. The appeal site comprises one such field, lying between old Dunkeswell and the industrial estate.
8. Strategy 7 in the *East Devon Local Plan 2013 to 2031* (the Local Plan) says everywhere outside of defined Built-up Area Boundaries constitutes countryside. There, development will only be permitted if it is in accordance with a specific Local or Neighbourhood Plan policy, with the Strategy's supporting text outlining some such circumstances. The reason for this approach is to support the spatial strategy, focussing development on sustainable locations and protecting the countryside.
9. In the Local Plan neither the village as a whole, nor any of its 3 separate parts, has a Built-up Area Boundary around it. As a result, all the village, including the appeal site and each of the 3 parts described above, is defined as being countryside. My attention was brought to no policies in either the Local Plan or the *Dunkeswell Neighbourhood Plan* that supported this form of development in such a location, and no compliance is apparent with the circumstances in the Strategy's supporting text. Therefore, I find it would not be in accordance with Strategy 7.
10. In the emerging Local Plan (the eLP) a Built-up Area Boundary is proposed around Highfield. That though is some distance from the site and so, whatever the emerging policies say and whatever weight they should be given at this stage, this intention has no bearing on the scheme before me in connection with this issue. Whilst the appeal site has been considered as a housing allocation for that eLP, it was rejected at a relatively early stage and is not now in this emerging plan as it currently stands. As such, that is not a matter to which I afford significant weight.
11. Accordingly, I conclude that in principle the proposal would be contrary to the spatial strategy, thereby conflicting with Strategy 7 in the Local Plan.

National Landscape

12. Dunkeswell is near the centre of the Blackdown Hills National Landscape (formerly known as an Area of Outstanding Natural Beauty or AONB). In considering development in such areas the *National Planning Policy Framework* (the Framework) says great weight should be given to conserving and enhancing their landscape and scenic beauty, while the *Levelling Up and Regeneration Act 2023* said decision-makers must seek to further the statutory purposes of conserving and enhancing the natural beauty of such areas. The Framework then goes on to say '*the scale and extent of development within [such a designated area] should be limited*', and '*permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest*'.

13. I will therefore look separately at, first, whether the proposal would seek to further the statutory tests, and then whether it constitutes major development.

The statutory tests

14. The National Landscape covers an extensive area running from near Honiton in the south, northwards towards Taunton. I was told that in the *Blackdown Hills AONB Management Plan* the area's special characteristics were, among other things, its landscape quality, scenic quality, relative wildness and tranquillity, natural heritage features and cultural heritage. This is manifest in a diverse, unspoilt and strongly rural nature, comprising a flat-topped plateau that allows long views and is incised with valleys, while its field patterns, its network of lanes and many of its villages and hamlets reflect the age of the landscape. Its character therefore does not derive from an absence of settlement but, at the same time, it has been subject to little modern development. This analysis seems to be reflected in the *Blackdowns National Character Area – 147*, which says that, amongst other things, it comprises plateaux, valleys, enclosed lanes, field patterns and long-distance views.
15. This 3.5ha field was until recently given to pasture but at the time of my visit was ploughed. It is bounded by tall mature hedging, with Abbey Road running along its north-eastern and south-eastern sides, and the main road to the south. It sits on the cusp of the flatter plateau top on which the airfield and industrial estate are positioned, while old Dunkeswell nestles to a great extent in the valley below. I understand that, while it used to be divided into 2 smaller fields by a hedge that ran across the middle, the outer edge of the site, as defined by the lanes and boundary planting, is long-established and forms part of the historic landscape.
16. Old Dunkeswell is to the south, separated from the site by trees along the main road and by a steep embankment. To the west, and adjoining the site, is part of the industrial estate. This comprises a more or less continuous line of blank rear elevations to modern industrial units, and, at the time of my visit, many of these units were heavily concealed by strong boundary planting. The nature of this planting means that, even in winter, I would expect it to screen these units to a great extent. The industrial estate extends across the main road to the south-west, while open countryside is to the north-east of the site, and, in a wider context, surrounds the various parts of Dunkeswell.
17. The orientation and arrangement of the units, and the presence of the intervening planting, mean the industrial estate has a strong and clearly defined eastern

boundary and so is distinct and separate from this site. As a result, I consider it has a relatively limited effect on the site's character or appearance. Indeed the nature of these businesses and their orientation meant they did little to erode any sense of tranquillity that the site offers. Therefore, given these points, when coming up the hill from old Dunkeswell, whether on Abbey Road or the main road, the site is perceived as being near the top of the plateau and very much part of the rural landscape.

18. Seen in wider views, such as from Holmwood Farm to the east or from the road to the south-east that runs along the ridge past Highfield, the visual impact of old Dunkeswell is reduced by it being generally in the valley and interspersed with trees. Instead, the site is glimpsed as a field in a rural setting, with a limited awareness of the industrial estate behind due to the boundary screening. While I accept that, when looking from the road to the south-east, there is an awareness of the modern development on the Manleys Lane cul-de-sac that runs up the valley side towards the southern end of the industrial estate, I consider that is notably apart from the appeal site, with the trees on the main road in between creating a distinct break.
19. Coming from the north and north-west on Abbey Road and the main road, even though the industrial estate screens the site initially, once past that estate the site is of sufficient size to establish a rural character, especially as it is seen with relatively expansive views beyond, and it provides a clear break between the industrial area and old Dunkeswell.
20. Finally, from Footpath number 5 to the east (the footpath), the live-work units at the eastern end of the industrial estate are apparent, with their bright external finishes, but the industrial units on the appeal site's western boundary are not that visible due to the boundary planting. In such a context, by being of a clearly agricultural nature the appeal site serves to isolate and contain the industrial area. It also allows for views through to the Dunkeswell Methodist church and beyond, and reflects the rural character of the wider landscape.
21. Therefore, taking these factors together, I consider that, currently, the site is not associated with either the industrial estate or the older village, and so at present it is not perceived as part of the settled landscape. Rather, it is read very much as integral to the agricultural land that is around Dunkeswell. It also enjoys a sense of tranquillity. Given these factors, and mindful too of its open agricultural nature, its historic field pattern, and its location on the plateau ridge, it therefore adds positively to the landscape and scenic beauty of the National Landscape.
22. Taking into account what I saw on the evening of 20 May, this is more so during the hours of darkness. Street lighting around the site is limited, and little light spills over from the industrial estate. This results in the appeal site being on the edge of, but nonetheless part of, the wider dark landscape that emphasises the rural nature and isolation of the National Landscape.
23. The appellant pointed out it is not one of the most '*pristine*' parts of the National Landscape, but I am unsure how that is defined, and see nothing that says only the pristine parts of such landscapes (however defined) should be protected. This is not something to which I have therefore attributed any significant weight. While it may be substantially given over to a monoculture (whether that be grass or crops), that applies to very many fields across the designation and does not

necessarily diminish the role that they play cumulatively in contributing to the overall landscape and scenic beauty. I recognise too that in the context of the National Landscape as a whole, this is a small site. That though could apply to many fields in the designation, but I consider they have a value together that establishes and maintains the attractiveness of this extensive area.

24. When passing the site along the main road or Abbey Road the development would appreciably erode the sense of separation and rural relief that now exists between old Dunkeswell and the industrial estate, coming close to merging the village and the industrial estate to create what would cumulatively be a sizeable continuous built-up area. Similarly, from the footpath the introduction of a housing development of this size here would block the views southwards, and take away the contribution this relatively large field makes to the rural landscape and tranquillity. Finally, in more distant views from Holmwood Farm and from the road to the south-east, the development would be seen standing apart from old Dunkeswell on the plateau edge, and so would constitute a new and striking urban form in an area where there is little sense of such development at present. Furthermore, while some control could be imposed on external lighting, light spillage from within the houses would erode the sense of darkness now apparent at night time.
25. It was said that the impact of the housing would be moderated, as it would be screened to a great extent by the landscaping in the intended open space. However, views into the site would be clearly possible through the access. Furthermore, it would take time to become established, and, although I do not yet know the form it would take, I anticipate that even when the landscaping was fully matured there would still be an awareness of a sizeable housing development behind.
26. It was also contended that the designs of the houses could, at reserved matters stage, be agreed to reflect the sensitivity of the site and the architectural quality of the village. Given the number of houses though and their anticipated prominence to my mind design would not allay my concerns.
27. Great weight was also placed on its relationship to the industrial estate next door. However, that estate is, to a degree, an anomaly in this otherwise rural landscape, and so I see no reason why its presence should justify further discordant development. In any event, along the appeal site's western boundary the estate is strongly contained, and to my mind development on this site does not naturally follow on from the arrangement of its units.
28. Therefore, I find the scheme would appear as an unduly urban development that encroached onto the plateau and undermined the open, unspoilt rural nature of the area and its tranquillity, thereby having a significant adverse impact on the purposes for which the area was defined and failing to conserve and enhance the landscape and scenic beauty of the National Landscape.

Major development

29. The Framework says that whether a proposal in a National Landscape is major development

'is a matter for the decision maker taking into account its nature, scale, and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Therefore, while there is a definition of '*major development*' found in the Framework's glossary, it is clear that in relation to the National Landscapes the term should be defined in a way that is more nuanced and case specific.

30. Mindful of the advice quoted above, I have found that the development would have a significant adverse impact on the area's purposes due to its nature and its setting. Furthermore, in considering its scale, I consider a sizeable proportion of the parish's houses would appear to be in Highfield, which is distinct and separate and some way to the south. Consequently, that part of Dunkeswell does not enter, to any appreciable degree, into an assessment as to the scale of the scheme in relation to this matter. Rather, I consider this development would represent an appreciable increase in scale when compared to old Dunkeswell. Indeed, it would also be challenging when compared to the industrial estate, and in substantially filling the gap in between it would have a cumulative effect, with these 2 separate areas more or less merging.
31. Therefore having regard to its nature, scale, and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated, I deem it to be major development rather than of a limited scale.
32. In reaching this view while it may be adjacent to a development that of itself is not determinative. Although there is the industrial estate next door, the site is undeveloped and, in my opinion, reads more as part of the agricultural context in which Dunkeswell sits. Furthermore, while it does not alter the landscape character across a broad area I see no reason why that of itself should lead me to different findings. In any event, I consider it would be apparent in wider views and so in that regard I would not accept that its landscape impact was localised. Finally, I appreciate that the Council is seeking to allocate land for a significant housing development (referenced DUNK_05) immediately next to Highfield in the eLP. That though is a site that has a much stronger relationship to existing housing, and its scale relative to that part of the village is not as great as the scale of this scheme in comparison to old Dunkeswell. It also does not reduce the separation between 2 areas of the village in the same way as the scheme before me. As such, I see material differences to the appeal proposal.

Conclusions on this issue

33. Accordingly, I conclude that this would be major development that would fail to conserve and enhance the landscape and scenic beauty of the National Landscape.

Heritage

34. Immediately to the south of the site is the Dunkeswell Conservation Area. This broadly encompasses much of the cluster I have referred to as old Dunkeswell, though omits some of the newer housing to the west. Its significance lies, in part, in the manner in which its buildings and layout reflect the organic and incremental growth of this historic rural settlement over time. Indeed nestling within this steep-sided valley, the village still maintains the sense of being a small, long-established contained community in the heart of the Devon countryside.

35. The appeal site currently delivers 2 main benefits in relation to its effect on the setting of the conservation area. Firstly, it provides a rural context when coming from or going to the north and north-west along Abbey Road and the main road, and this serves to reinforce the agricultural connection that the village has enjoyed over time. I accept that when travelling in these directions there is an awareness of the industrial estate, but I consider the size and nature of the appeal site are sufficient to re-create this rural feel on this side of the conservation area and establish an impression of arrival and departure.
36. Secondly, the size and nature of this field also mean that the industrial estate, with its very different character, is kept clearly and distinctly separate from the conservation area. This ensures that the encroachment of newer development does not undermine the sense of rural isolation and containment that is experienced when entering the conservation area from the north and north-west and descending into its heart, or when leaving in those directions.
37. The slope of the land as it rises up to the appeal site, coupled with the dense tree cover along the main road and the site's south-eastern side, mean that from within much of the conservation area there would be little awareness of the development, even in winter. As such, from these areas it would not have an adverse effect on the conservation area's setting.
38. However, an exception to this is at the extreme north-west corner of the conservation area, where it extends up to the junction of the main road with Abbey Road and incorporates the Dunkeswell Methodist church. From here, clear views of the development would be achievable, certainly before any landscaping became established and, quite probably, afterwards too. Although I accept that the design and siting of the new houses is for later consideration, and although I recognise the intention to put a green buffer around the development, there would nonetheless be the loss of the open rural landscape of this sizeable field that is now appreciated. This would serve to undermine the conservation area's agricultural context. Consequently, by affecting the setting in this way there would be some harm caused to the significance of the conservation area when looking out from this part of it.
39. Moreover, in my judgement the proposal would undermine the rural setting of the conservation area and its sense of containment when approaching from or travelling to the north and north-west on Abbey Road and main road. This would be as a result of the field being lost and the impression being created of a sizeable development filling much of the gap between the conservation area and the industrial estate.
40. In coming to this view I accept that modern housing already abuts the western side of the conservation area and runs up the valley slope, almost to the industrial estate. In my opinion though this is not a positive attribute of the conservation area's setting and does not justify further development of a similar nature.
41. As a result, I consider its effect on the setting of the conservation area means harm, albeit less than substantial, would be caused to the significance of that designated heritage asset. However, acknowledging the slight sense of separation that would be maintained and noting the impact on its setting is just in relation to the north end of the conservation area, I consider this impact would be well towards the lower end of less than substantial harm.

42. Concern was also raised about the effect of the scheme on 2 non-designated heritage assets. The first of these was the Methodist church, which I have already mentioned when discussing the impact on the conservation area, but which I now turn to consider as an asset in its own right. It is identified as an '*other key building*' in the conservation area on *Map 1 Historic Building Character* from *Dunkeswell Conservation Area Appraisal and Management Plan*. I assume its significance rests partly around the history of its establishment and its age, but I have been given little information about it. While I accept it would have been surrounded by fields when built, it has not been shown how this affects how the asset is experienced and how it contributes to any heritage value it might have. As such, I have insufficient grounds to consider the proposal would harm the significance of this non-designated heritage asset.
43. The second non-designated heritage asset was termed 'the airfield' by the Council. The significance of this lies in it being a World War II airfield, and so is primarily historic, resting around the reasons for its establishment and its manner of operation.
44. However, the extent of this asset appeared to be uncertain. Map BE2 in the Neighbourhood Plan defines '*the Historic Airfield*' as being just the area that is now associated with where planes land and take off to the south of the main road. This therefore excludes, and is separated from the appeal site by, the industrial estate that I was told was built where some original buildings connected with the airfield use used to stand. It also excludes the area to where the runway used to extend on the north side of the main road. This map is then linked to Neighbourhood Plan Policy BE2, which is entitled '*Supporting the Use of the Historic Dunkeswell Airfield*', and says any development there should not compromise its historic value. At the Hearing though the Council modified what it considered the extent of the non-designated asset to be, and indeed revisited it a number of times during the event, ending up with it including all the industrial estate next to the appeal site.
45. Assessing the impact of a development on the setting of an asset has challenges if the precise extent of that asset is unknown or unclear. However, whether the asset is just as defined on Map BE2 or whether it is the wider area the Council eventually offered to the Hearing, the role of the site to the asset's significance presumably lies in any contribution it makes to the airfield's original rural location. Taking the Council's final definition of its extent, the development would directly adjoin the asset. However, while I accept that there may well have been units of a similar character associated with the airfield on the area now occupied by the industrial estate, certainly next to the appeal site they appear to have been replaced with modern, functional units that form a near solid wall of development along the shared boundary. As a result, there is little experience of the heritage asset when on the appeal site or when adjacent in the industrial estate.
46. There is an awareness of this field when travelling northwards along the main road towards the airfield from the junction with Abbey Road. However, on moving into the non-designated heritage asset, one passes modern industrial units that again do little to reflect its origins, before reaching the airfield itself. As a result, I consider the sense of the airfield being in a rural location is already very much diminished when coming from this direction, and so any effect the proposal may have on its setting in this regard would cause no harm to the significance of that non-designated heritage asset.

47. Old Dunkeswell contains a number of listed buildings. Insofar as this appeal is concerned, the contribution of their setting to the significance of each of these lies in the way they are clustered with other buildings that are typical of an old rural Devon village, thereby emphasising their historic origins. In this regard, while the development could cause harm to the significance of the conservation area as a whole, it would not cause harm to the significance of the individual listed buildings.
48. The site also has potential archaeological value due to the presence of pits associated with the iron production industry, which operated on the Blackdown Hills from the Iron Age through to the medieval period. However, in the light of exploratory work undertaken by the appellant, this matter can be satisfactorily resolved through a condition.
49. To be weighed in this issue the appellant contended that the intention to re-establish the central hedging across the field would re-instate the historic field pattern. While such a hedge line was present in the past, I am unsure as to how long the site was so divided. Furthermore, the Illustrative Masterplan shows it running through a housing estate, and so the opportunity to create a hedge that would be reflective of a historic boundary treatment is not clear. This therefore does not lead me to different views.
50. Accordingly, although I have found harm would not be caused to the significance of the non-designated heritage assets of the Methodist church and the airfield, I nonetheless conclude less than substantial harm would be caused to the significance of the Dunkeswell Conservation Area, by reason of the effect of the development on the setting of that designated heritage asset.

Sustainability of location

51. In relation to this issue the appellant considered the appeal site was '*well related*' to Dunkeswell. The bulk of the village's services were at Highfield, where a parade in the centre of that housing area contained a shop/Post Office, a pre-school unit, a salon, a surgery with dispensary, 2 take-aways, a community hall and a club. The Council said these were a 900m walk from the appeal site, though local residents said it was further and I would not be surprised if they were correct. Indeed the appellant's Transport Advisory Note said the site was a 1.2km walk/cycle from this parade.
52. The most direct route between the site and the parade is along the main road, which I walked in both directions. To my mind, both the round-trip distance and the fact that, whether going to the parade or coming back, they would have to go up a relatively steep hill, mean it is not an easy walk for pedestrians. Moreover, apart from for a few very short lengths, there are no pavements between the site and the edge of Highfield, and so pedestrians would have to walk along the carriageway. This is not particularly wide, and carries an appreciable traffic flow, including some articulated lorries connected with the industrial estate. The steep embankments though impede intervisibility between pedestrians and approaching drivers along parts of the route, and they prevent any pedestrian from stepping off the carriageway to let approaching vehicles pass. When account is given too of the poor streetlighting, I consider walking to and from the parade from the site, even for those with no mobility issues undertaking the journey in daylight, is not going to be an attractive proposition, and this would be even less so in the hours of

darkness or in inclement weather, or for those who, for example, found walking difficult, or who had small children or heavy bags.

53. I have noted the appeal decision at Lewannick that has been offered by the appellant. However, as I have found the site is a significant distance from the parade, and as I consider the main road contains an appreciable traffic flow with few places where pedestrians could step off the carriageway, that decision does not lead me to different findings. I recognise that alternative routes could be taken along quieter lanes and paths, but these would add to the overall distance and would not necessarily avoid the steep and winding section of the main road between old Dunkeswell and Highfield.
54. In old Dunkeswell there are 2 churches, a play area and a village hall. Even though much closer, and even though pedestrians could be reasonably expected to use Abbey Road, accessing these would still necessitate walking along the carriageway on the main road near a sharp bend. I recognise too that these services are less likely to serve day-to-day needs of the residents when compared to those at Highfield.
55. Overall, I consider that pedestrian flows from the site to the services in Highfield and, to a lesser extent, old Dunkeswell are likely to be so low that the number of trips they would account for would be negligible.
56. These services could be accessible by bicycle and E-bicycle, but again I consider the nature and geography of the route discussed above would discourage this to a great extent. It was said that residents could cycle to Honiton, but that is a substantial distance on a busier rural road, and I consider would only be undertaken by experienced cyclists.
57. There is also the option of taking the bus from the stop outside the site, and I accept that, for a rural location, the route it allows access to provides a relatively good service. There are only 5 timetabled services a day (Monday to Saturday) in each direction, generally some 2h30 minutes apart. Given the occasional nature of the services and the time periods in between, their value in accessing the parade would be limited. There would also be no opportunity to travel on Sundays or in the evenings. However, it is possible to get into Taunton by 0828h and leave at 1715h, while a service also arrives in Honiton at 0810h and leaves at 1752h. A resident could therefore be in either of those towns for what is generally deemed to be the normal working day.
58. Finally, from the appeal site, the adjacent industrial estate would be accessible on foot along pavements. The bulk of the businesses here though appeared to be small concerns, and so whilst there may be employment opportunities for future residents I have no evidence to show them to be great.
59. The Framework says significant development should be focussed on locations that are, or can be, made sustainable through limiting the need to travel and offering a genuine choice of transport modes. It also accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
60. In my opinion, by restricting development outside of Built-up Area Boundaries, Local Plan Strategy 7 reflects this national guidance. Furthermore, Local Plan Strategy 5B and Policy TC2 state proposals should contribute to the objectives of promoting sustainable modes of travel, and be accessible on foot, by bicycle and

by public transport, to ensure people have easy access to facilities and services regardless of whether or not they have use of a private car. Local Plan Strategy 27 concerns development at a stated list of small towns and villages in the District. It says these often offer a range of accessible services and facilities to meet many of the everyday needs of residents and have reasonable public transport, and in them development may be accepted. However, neither Dunkeswell as a whole, nor any of its 3 parts, are in this list and so any support this policy gives for development is not applicable in this instance.

61. While the DUNK_05 allocation in the eLP is promoting more housing in the village that is much closer to the shopping parade with a far more amenable access for pedestrians and cyclists. As a result, it does not necessarily imply housing on this site would also be acceptable.
62. Taking the above together, I appreciate that the village provides no schools or colleges, no medical facilities beyond the surgery (which I was told was heavily oversubscribed) and limited retail, entertainment and employment. There are quite probably only a few places in the District though from where access to a complete range of facilities by means other than by the private car is possible, and so this of itself does not necessarily prevent any development in the village.
63. However, apart from the adjacent industrial estate I consider it is unlikely residents would walk to any day-to-day services offered in Dunkeswell, while cycling would also have its challenges. As a result, the most likely alternative to private motorised transport is the bus service. While its presence may mean a resident may not be solely reliant on the private car to access services, I am not aware that the avoidance of sole reliance on the car is the test for this issue. Moreover, the presence of the bus service alone cannot be sufficient to render the location sustainable, as that would mean any location along its route was also suitable in this regard. Given the limitations of the service and the absence of alternatives, I am therefore not satisfied that future occupiers would have a genuine choice of transport modes.
64. Overall, even accepting that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and accounting for the presence of the bus service, I conclude this site is poorly related in relation to services and does not offer a sufficient choice of travel by modes other than by the private motor vehicle. As such, in relation to this issue it conflicts with Local Plan Strategies 5B and 7 and Policy TC2, as well as the Framework.

Best and most versatile farmland

65. The Framework says that planning decisions should recognise the economic and other benefits of best and most versatile agricultural land, defining such land as that in grades 1, 2 and 3a of the Agricultural Land Classification.
66. The appeal site is identified as grade 3 land, and a report has been submitted that concludes it is in fact no higher than grade 3b, so not defined as best and most versatile land. I recognise the Council has not undertaken its own survey to check this report. However, I nonetheless share its concerns that the report's findings are heavily based upon yields from the site, as those can be dependent upon many things such as farming practices or the use of certain fertilizers, and do not necessarily define the underlying quality of the land.

67. Accordingly, by failing to establish satisfactorily that this is not best and most versatile agricultural land, I conclude it has not been shown that the scheme has recognised the economic and other benefits of such land, and so in this regard is contrary to the Framework. It is also contrary to Local Plan Policy EN13, which says such land will be protected from development and only granted exceptionally. I am aware this seems to go beyond the more balanced need to '*recognise*' the value of such land in the Framework and this affects the weight I afford it.

Other Matters

Highways

68. The impact of the appreciable traffic flows that I observed on the main road is exacerbated by the narrowness and informality of the carriageway, and by its winding nature and sharp bends. Moreover, for a rural road it carries a significant amount of heavy goods traffic as it appears to be one of the main routes to and from the industrial estate.
69. The appellant confirmed that estimates of the anticipated traffic flows from the development had not been provided, but I would not expect it to give rise to an appreciable increase over what is experienced now. Despite the limitations of the main road and others in the village, I have no reason to consider the residual cumulative impacts on the road network would be severe.
70. Although there was a concern about conflict with pedestrians walking to and from Highfield, as I consider that is most unlikely it is not a concern to which I have attached significant weight. Visibility splays at the site access would be adequate given the speed limit at this point, and I have no firm evidence to show highway safety would be unreasonably compromised elsewhere.
71. Whilst I do not question the Parish Council's comments about speeding through the village, that is a matter that should be addressed under other legislation, and cannot, of itself, be a basis to resist this scheme.

Drainage & sewers

72. Again there was much local concern about the inadequacy of the village's drainage and sewage systems. Conditions though can ensure run off from the site is no greater than as a green field and I have no technical basis to resist the scheme on this ground. While it was said the location of the attenuation pond could result in damage to the steep slope on which it is shown, that is only an illustrative location and, if it were to be put there, it would be the developer's responsibility to ensure the stability of the slope was sufficient.

Noise

73. Cited as a reason for refusal, concern about this matter was subsequently withdrawn by the Council following the submission of a noise assessment with the appeal. The concern was about the proximity of the housing not to the industrial estate but to the airfield and to the effect of air traffic using that facility. Based on the evidence before me and my own observations on site, I have no reason to consider that, with appropriate measures introduced into the built form, this relationship should result in unacceptable living conditions.

Affordable housing

74. Outside a limited number of settlements in the District, Strategy 34 in the Local Plan requires 50% of new dwellings in any scheme to be affordable, subject to viability considerations. Through a submitted legal agreement the appellant is proposing 35% of the housing on-site to be affordable, with the additional 15% comprising contributions for off-site delivery. I consider this is an acceptable interpretation of the approach in Local Plan Strategy 34 and so accords with the development plan and is necessary to make the scheme acceptable in planning terms. I therefore consider that the securing of affordable housing provision through the legal agreement satisfies the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations).

Public open space

75. The appellant is to provide open space over some 40% of the site, and the delivery and maintenance of this is to be secured through the legal agreement. Again, given the evidence before me I consider this would accord with the development plan and is necessary to make the proposal acceptable in planning terms. I therefore find that the securing of public open space delivery through the legal agreement satisfies the requirements of the Regulations.

Ecology

76. As the site is in the countryside it is to be expected that wildlife uses it for foraging. However, mindful of the intended benefits and ecological improvements that can be secured through the standard condition concerning the delivery of a biodiversity gain plan and other conditions, I have no basis to find that protected species would be harmed by the development. The legal agreement includes a provision to secure biodiversity net gain and also to fund its onward monitoring by the Council. I consider that the latter of these is necessary to make the development acceptable in planning terms, and so its inclusion satisfies the requirements of the Regulations. However, given the standard condition and the possibility of other conditions I am not satisfied that it is necessary to include the securing of biodiversity net gain in the legal agreement, and so that is not an element to which I have given weight in my decision-making.

Material considerations and planning balances

77. Accordingly, I have found the scheme would fail to conserve and enhance the landscape and scenic beauty of the National Landscape, would cause less than substantial harm to the significance of the conservation area, and would be poorly related in relation to services and does not offer a sufficient choice of travel by modes other than by the private motor vehicle. It has also not been shown that the scheme has recognised the economic and other benefits of best and most versatile agricultural land.
78. The Framework says that heritage assets are an irreplaceable resource, and great weight should be given to their conservation. It adds that any harm to the significance of a designated heritage asset, including to its setting, requires clear and convincing justification. If less than substantial harm is caused to its significance, that harm should be weighed against the public benefits. I will call this the heritage balance.

79. In relation to the National Landscape, beyond saying great weight should be given to conserving and enhancing landscape and scenic beauty of such areas, the Framework also says that permission for major development within them should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. This I will refer to as the NL balance
80. Finally, section 38(6) of the *Planning and Compulsory Purchase Act 2004* (the 2004 Act) says development should be in accordance with the development plan unless material considerations indicate otherwise. This I will call the planning balance.
81. Of particular significance in the planning balance is the national guidance in the Framework, and especially paragraph 11(d). It says that, where the policies that are most important for determining the proposal are out-of-date (including for housing developments where the Council cannot demonstrate a 5-year supply of deliverable housing sites), permission should be granted unless
- (i) the application of policies in the Framework provides a strong reason for refusal or
 - (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

This is often referred to as 'the tilted balance'.

82. In terms of the factors raised in favour of the scheme, 65 more houses will be provided in a District that has only 3.5 years' of deliverable sites, and so has an appreciable shortfall of some 1.5 years. This is a matter to which great weight should be attached, and is in the context of the Government placing a strong emphasis on delivering 1.5 million homes. The Council also accepted there was an acute local need for affordable housing, with over 4,900 households currently on the District's housing register. As a result, the delivery of this should also be afforded significant weight. Further cited benefits were the improvements to biodiversity, and the economic benefits both during construction and after occupation. To these I afford moderate weight. It was also said that the circular walk round the site would be beneficial to residents, but it would not be long, and while those living in the existing village could use the intended play area, issues of walking along the roads, discussed above, could limit the attractiveness of this. I therefore attach only moderate weight to these benefits too.
83. Starting first with the heritage balance, I have afforded great weight to the less than substantial harm I have identified, though am mindful that harm is at the lower end of the scale. Taking this into account, I consider that the delivery of this amount of new housing in the face of the Council's current shortfall is a clear and convincing justification for the development and constitutes a public benefit sufficient to overcome this harm.
84. Reference to public benefits outweighing harm is not found in Local Plan Policy EN10. Rather, this says that schemes affecting the setting of a conservation area will only be permitted if they would preserve or enhance the appearance and character of the area. No reference though is made to the more nuanced approach in the Framework and the effect of public benefits and so, in this regard, the policy is inconsistent with that Government guidance. However, I find the

scheme is not contrary to guidance in the Framework and this is a material consideration sufficient to outweigh any residual development plan conflict.

85. Turning to the NL balance, as I have found it to be major development the Framework says it should be refused except in exceptional circumstances and where it is in the public interest. Therefore, both the exceptional circumstances test and the public interests test need to be passed to counter its statement that, as major development in a National Landscape, it should be refused. What constitutes ‘*exceptional*’ is not defined in the Framework, so relying on the common meaning of the word I take it to concern circumstances that are unusual or rare. Furthermore, the judgement of *R (Mevagissey PC) v Cornwall Council*, clarifies that an assessment of ‘*exceptional circumstances*’ must be done in respect of the specific development.
86. In considering whether exceptional circumstances exist, the Framework gives 3 criteria that any assessment should include. These can be summarised as the need, including any national considerations; the cost of and scope for developing outside of the designated area; and the detrimental effect on the landscape and the extent to which it could be moderated.
87. In the event that I needed to make this assessment, the appellant offered the Government’s drive for 1.5 million homes being built within this Parliament as such an exceptional circumstance. This though relates to the entire country, rather than a particular geographical area within it or a specific development. Moreover, while previous Governments might not have explicitly sought to deliver this magnitude of housing within such a timeframe, there has been a long-standing aim over many Parliaments to boost the number of houses being built across England. Therefore, in general terms I consider the push for housing by this current Government cannot be said to be an unusual or rare circumstance that is determinative for this case.
88. I recognise there is a need for housing land in East Devon District given the shortfall in supply, and there is also what the Council describes as an ‘*acute*’ District-wide need for affordable housing. These factors though do not necessarily equate to an unusual or rare circumstance justifying major development in this designated landscape. Rather, they are commonly found in numerous council areas across the country.
89. In preparing the eLP the Council is presumably seeking to address the housing land supply shortfall appropriately, though I accept that it has put forward no alternative sites specifically in response to this appeal. Despite this, it is nonetheless reasonable to assume that, in seeking to meet the District-wide targets and in contributing to the Government’s national figure, the delivery of a further 65 dwellings (and the associated affordable housing provision) does not need to be made in this National Landscape in the face of the harm I have identified and the great weight the Government says should be given to the designation’s protection. I understand that there are parts of the District outside of designated areas, and so it is reasonable to assume it could be to those that the search to tackle this need is focussed. Indeed even if it is necessary to bring forward sites in the National Landscape to meet the District’s housing land supply shortfall, as the DUNK_05 allocation shows, there could be sites that are more acceptable than the one before me.

90. Finally, as I have said above, I have found that the adverse impacts could not be satisfactorily or sufficiently moderated through landscaping or design.
91. Accordingly, taking into account the need for the development, the inability to moderate the detrimental effects sufficiently and the cost of and scope for developing outside the designation, in my assessment exceptional circumstances have not been demonstrated.
92. I recognise that the delivery of more housing, and more affordable housing, where there is a shortage of both could be said to be in the public interest. However, when the harm I have identified to this designated landscape is factored in, I consider the public interest would not be served by this development here.
93. Consequently, as exceptional circumstances have not been demonstrated and the scheme would not be in the public interest, I find that planning permission for this major development should be refused under the Framework. It is also contrary to Local Plan Strategy 7 and Policy D1, and also Neighbourhood Plan Policy BE1, which together seek development that respects and would not harm the key characteristics and special qualities of the area in which it is located and the surrounding landscape.
94. In the light of my heritage and NL balances, I therefore have remaining concerns about the adverse effect on the National Landscape, the poor relationship of the site to services and that it has not been shown the scheme has recognised the economic and other benefits of best and most versatile agricultural land.
95. Under the planning balance, as the adverse effect on the National Landscape constitutes a strong reason for refusal in the light of policies in the Framework, then Framework paragraph 11(d)(i) means that the granting of planning permission under 'the tilted balance' in paragraph 11(d) does not apply to this case. A simple balancing exercise though can still be undertaken under section 38(6) of the 2004 Act.
96. To my mind while I recognise the benefits of best and most versatile agricultural land, any harm from its loss (assuming the land can be so defined) is outweighed by the various material considerations cited. However, those considerations are not sufficient to overcome the identified harm from the relationship to services and to the National Landscape, especially given the great weight to be given to conserving and enhancing landscape and scenic beauty in such areas.

Conclusion

97. I have found the scheme would cause less than substantial harm to the significance of the conservation area, would fail to conserve and enhance the landscape and scenic beauty in the National Landscape, and would be in an unsustainable location that was poorly related to services and facilities, while the benefits of best and most versatile agricultural land have not been recognised.
98. I consider public benefits outweigh the less than substantial heritage harm, and in relation to best and most versatile land, material considerations support a decision otherwise than in accordance with the development plan. However, no such material considerations or other exceptional circumstances exist in relation to either the adverse effect on the National Landscape or the poor sustainability of the location.

99. Accordingly, I therefore conclude the appeal should be dismissed.

JP Sargent

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

C Godfrey	Tavistock Green Limited
E Persse	Planning consultant
P Reynolds	Landscape consultant

FOR THE LOCAL PLANNING AUTHORITY:

S Brooks	Conservation Officer
C Hariades	Landscape Officer
G Stephenson	Principal Planning Officer

INTERESTED PARTIES:

J Barrow	Local resident & Chairman of Parish Council
G Beer	Local resident
S Chambers	Local resident
S Coles	Local resident
K Gaunt	Local resident
V Godden	Local resident
C King	Local resident
N Molyneux	Local resident
D O'Brien	Local resident
C Quinain	Local resident
Mr Quinain	Local resident
C Smith	Local resident
J Walsh	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

BY THE APPELLANT

APP1: Bus timetable

APP2: Email to Planning Inspectorate concerning conditions (dated 1 June 2026)

BY THE LOCAL PLANNING AUTHORITY

LPA1: Set of plans at A3 scale

LPA2: Plan showing the extent on the Non-designated Heritage Asset of the Airfield

LPA3: Email to Planning Inspectorate concerning conditions (dated 2 June 2026)

BY INTERESTED PARTIES

IP1: Letter from K Gaunt

Richborough