Exmouth Town Council

Town Hall, St Andrews Road
Exmouth, Devon, EX8 1AW

tel: 01395 276167
email: reception@exmouth.gov.uk
www.exmouth.gov.uk

This meeting is open to the Public and Press

25 March 2026

To: Members of the Exmouth Town Council Planning Committee, other members of Exmouth Town Council for information & The Press

Dear Councillors

A Meeting of the Exmouth Town Council Planning Committee, to which you are summoned, will be held in the Chamber at Exmouth Town Hall, St Andrews Road, EX8 1AW on **Monday 30 March 2026 at 6.15pm** to consider the matters detailed on the agenda below.

Yours faithfully

Lisa Bowman
TOWN CLERK

AGENDA

1. Apologies for absence

PUBLIC SPEAKING

- Representations will be taken ahead of each discussion by Councillors on each application.
- **Members of the public wishing to speak on an application are required to pre-register in advance of the meeting.**
  To register you must email reception@exmouth.gov.uk or telephone 01395 276167 by 12 noon.
  The number of people that can speak on each application is limited to:
  - Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
  - Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent.
- Representations may be up to 3 minutes.
- Speakers must begin, within their representation, by stating their name and interest in the application, and whether they are supporting or objecting to the application.
- Speakers must endeavour to avoid repeating themselves or earlier comments by others.
- The Chairman, at their absolute discretion, may ask for members of the public wishing to make similar points to choose one speaker to represent them all. This is to enable the business of the meeting to be carried out in a timely way and allow representations on other applications to be heard.

2. **Minutes of meeting held on 16 March 2026:**
   To confirm the minutes (copies attached)

3. **To receive any declarations of interest from members:**
   Members to declare any interests they may have on the agenda and agree any dispensations to stay.

4. **Urgent Business:**
   To consider any items which, in the opinion of the Chairman should be dealt with as a matter of urgency.

5. **Tree and advertising consent applications**

BRIXINGTON

Planning Application No: 26/0412/TRE

Location: 88 Valley Way, EX8 4RL
Applicant: Mr Ray Mcdonald
Proposal: T1, Silver Birch: crown reduce the height and/or lateral spread by approximately 1-1.5m, pruning branch tips back to suitable secondary growth points to retain a natural crown outline; crown lift by removing the lowest branches to give a clearance of approximately 2.5 metres above public footpath. Cuts to be made back to the main stem or appropriate laterals, maintaining a balanced form; tree is starting to encroach onto highway/ footpath and building.

Target date: 27.04.26

Tree Officer's report attached for information.

HALSDON

Planning Application No: 26/0402/TRE

Location: Riverside Cottage Mudbank Lane, EX8 3EG
Applicant: Mr Deverill
Proposal: T1, Oak : reduce all over all over by no more than 3m, maximum diameter of cut (MDC) 120mm. T2, Oak : reduce all over all over by no more than 3m, MDC 120mm.

Target date: 27.04.26

Tree Officer's report attached for information.

LITTLEHAM

Planning Application No: 26/0205/ADV

Location: Unit 6 and 7 Sideshore, Queens Drive, EX8 2GD
Applicant: Mr Oliver Bridge
Proposal: 2 no non-illuminated circular signs. One on the west elevation and one on the east elevation.

Target date: 22.04.26

TOWN

Planning Application No: 26/0434/TCA

Location: 6 Rolle Villas, EX8 2AE
Applicant: Mrs Smart
Proposal: T1, pseudo acacia : reduce by 2m back to previous cuts.
T2, Walnut : carry out a one in three crown thin, not removing a branch with a greater diameter than 100mm.
T3 : reduce the heightened spread by 2m.
T4 : reduce by 2.5m back to previous cuts.

Target date: 14.04.26

Tree Officer's report attached for information.

WITHYCOMBE RALEIGH

Planning Application No: 26/0214/TRE

Location: 20 Avondale Road, EX8 2NQ
Applicant: Darley
Proposal: T1: Oak – reduce via thinning, lateral crown spread growing to west by approximately 1.5-2m, making cuts no greater than approximately 50mm in diameter. Reduce crown's western aspect from approximately 6m-4.5m. T2: Oak – reduce, via thinning, overall crown dimensions by approximately 1.5-2m making cuts no greater than approximately 50mm in diameter; the trees height will be reduced from approximately 18m-16.5m and the lateral crown spread will be reduced from approximately 22m – 20.5m.

Target date: 08.04.26

Tree officer's report attached for information.

6. Planning applications.

BRIXINGTON

Planning Application No: 26/0248/FUL

Location: 3 Greenpark Road, EX8 4JL
Applicant: Mr Chris Martin
Proposal: Proposed new dwelling and associated amenity and off-road parking.

Date limit for comments: 07.04.26

Planning Application No: 25/0078/MOUT

Location: Land at Higher Marley Road, EX8
Applicant: Tracy Ford
Proposal: Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 119 dwellings, public open space, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Higher Marley Road.

Amended plans for consultation
Amended concept master plan and proposal description amended (previously 130 dwellings).

Date limit for comments: 03.04.2026

HALSDON

Planning Application No: 26/0460/FUL

Location: 16 Featherbed Lane, EX8 3NE
Applicant: Mrs Marsha Dawson
Proposal: Proposed loft extension to include Cedral Clad dormer with Juliet balcony to the south elevation.

Date limit for comments: 01.04.26

Planning Application No: 25/2194/FUL

Location: 27 Garratt Close, EX8 5PJ
Applicant: Mr and Mrs Stevie Hill
Proposal: Change of use of an existing timber shed and adjacent private garden area located at 6 Manchester Road from ancillary domestic use to a tiny commercial dog daycare facility. The facility will provide daytime care for dogs, operating on weekdays between the hours of 8:00am to 6:00pm with no overnight boarding.

Date limit for comments: 09.04.26

LITTLEHAM

Planning Application No: 26/0480/FUL

Location: 2A Carlton Hill, EX8 2AH
Applicant: Mr Olly Bridge
Proposal: Proposed first floor and roof extension with associated external alterations including new and replacement windows and doors, installation of weatherboarding and PV Panels.

Date limit for comments: 03.04.26

TOWN

Planning Application No: 26/0508/VAR

Location: 60 Camperdown Terrace, EX8 1EQ
Applicant: Mr and Mrs Turnbull
Proposal: Variation of Condition Numbers: 2 (Approved Plans), 5 (Construction and Environment Management Plan) & 6 (Ecological Enhancement) on Planning Permission 25/1232/FUL (Demolition of part of the existing ground floor extension and the creation of a two storey extension with roof terrace, extended ground floor, infilling of existing windows to the front lean to extension, replacement of existing windows and landscaping). Changes to extension design due to site constraints. Conditions 5 & 6 have been discharged, therefore new wording proposed.

Date limit for comments: 10.04.26

WITHYCOMBE RALEIGH

Planning Application No: 26/0471/FUL

Location; 6 Holland Road, EX8 4AT
Applicant: Mr Thomas Badham
Proposal: Removal of existing steps to the dwelling and retaining wall to allow construction of a new front vehicular driveway.
The works comprise of: excavation of the existing grass verge (approx. 535mm) and removal of the concrete pad and steps (cut and fill exercise); installation of a 4.4m wide permeable concrete block paving driveway with full surface water infiltration through the paving and open graded sub base (no discharge to sewer or highway); new dropped kerb access onto Holland Road; new blockwork retaining wall (maximum 1000mm high or less) founded on a concrete strip foundation with weep holes at 450 mm centres and 150mm granular drainage layer behind; new external steps or ramp to the front door threshold; and associated level changes to maintain 150mm below DPC at the house end and match existing pavement level at the kerb. All works are shown on the submitted site layout plans.

Date limit for comments: 01.04.26

7. Other items

i. Notification of New time premises licence application received – Exmouth Beach Rugby/Netball Festival 2026

Ref No. 061503
Premises: Exmouth Beach – 260m x 40m area East of Lifeboat Station, Opposite Foxholes Car Park, EX8 2AY
Ward: Littleham
Name of Applicant: ConciergeUK Limited

TIME LIMITED Premises Licence Application from 23rd May 2026 – 24th May 2026 ONLY

PLEASE NOTE: The previous premises licence application for this event was withdrawn, and this is now the re-submitted application with amended timings and conditions

Consider the above premises licence, details of the application can be viewed on EDCC's website.

Date limit for comments: 10.04.26

Representation must relate to one or more of the four licensing objectives:
• the prevention of crime and disorder
• public safety
• the prevention of public nuisance
• the protection of children from harm

ii. Notification of New premises licence application received – Cue Station

Ref No: 061545
Premises: 1 Church Road, EX8 1RZ
Ward: Exmouth Town
Name of Applicant: Mr David Freer

Consider the above premises licence, details of the application can be viewed on EDCC's website.

Date limit for comments: 10.04.26

Representation must relate to one or more of the four licensing objectives:
• the prevention of crime and disorder
• public safety
• the prevention of public nuisance
• the protection of children from harm

iii. Notification of a Street Trading Application Received – Morris Minor Classic Car Show

The applicant is: Mrs Nicola Tilley
Location: Imperial Recreation Ground, EX8 1DG

Dates: Saturday 9th August 2026
Times: 09:00 – 16:30.

The application is for: 4x traders for the annual Morris Minor Classic Car Show. Selling a range of hot and cold food items, a selection of hot and cold non-alcoholic drinks, ice creams and a bric-a-brac stall.

The applicant has noted the following on their application:
The Imperial Recreation Ground is open to the public, which means that we are unable to control all those who walk through. However, each trader will have their own bins/means of removing waste. We always encourage people to take their own waste home with them. We always litter pick at the end of the event and rarely have more than have a black bin liner of waste, which we recycle where possible. With regards to classic vehicles, they are static whilst on site so do not cause any air or noise pollution during the event.

Please find attached the following documents that accompanied the application:

- A map of the trading site

Date limit for comments: 02.04.26

iv. Notification of a Street Trading Application Received – Gems Delights

Applicant: Miss Gemma Alford - Gems Delights
Location: Driveway at the front of her house, 58 Moorfield Road, EX8 3QW
Dates: ANNUAL Trader - Every Friday afternoon, weather dependent.
Times: 14:30 - 16:00

The application is for: Gems Delights is a new independent cake baker who wishes to sell individually wrapped cakes from her driveway once a week.
The applicant has noted the following on their application: As Miss Alford wishes to set up her business from her driveway she has not provided an environment impact statement. She does mention that family will eat any leftover cakes and the cakes she is selling are to take away.

Please find attached the following documents that accompanied the application:

- A map of the trading site

Date limit for comments: 02.04.26

---

8. Items for information

i. Notification of Tree Preservation Orders

Land at, and to the north of, Brickfield Cottage, Mudbank Lane, EX8 – 25/0048/TPO
Confirmation of the above TPO, details attached.

ii. Appeal decision

Appeal ref: 6000802
Appeal by: Adrian Clarke
Application Ref: 24/1372/FUL
Location: Land North of Dennesdene Close, EX8 4SJ

Proposal: Construction of detached bungalow.

The above appeal is allowed; the decision notice is attached for information.

---

9. East Devon District Council – Planning Decisions

Application	*Exmouth Town Council View*	*EDDC Decision*
26/0119/FUL 49 Ivydale	No objection	Approval
25/2598/LBC Flat 4, 5 Salterton Road	No objection	Approval
25/2220/LBC & 25/2219/FUL The Golden Dragon 1A The Beacon, EX8 2AG	No objection	Approval
26/0068/FUL 90 Foxholes Hill	No objection	Approval

DELEGATED REPORT

Application No: **26/0412/TRE**

Location: **88 Valley Way**
Exmouth
EX8 4RL

Proposal: **T1, Himalayan Birch : crown reduce the height and/or lateral spread by approximately 0.5m (amended), pruning branch tips back to suitable secondary growth points to retain a natural crown outline; crown lift by removing the lowest branches to give a clearance of approximately 2.5 metres above public footpath. Cuts to be made back to the main stem or appropriate laterals, maintaining a balanced form; tree is starting to encroach onto highway/ footpath and building.**

Development Type: **TPO**

Date of Site Visit: **11.03.2026**

Consultation Period End Date: **03.04.2026**

CONSULTATIONS

None received.

CONTRIBUTORS

Other Representations

None.

OFFICER REPORT

The tree subject of this application is a Himalayan Birch that exhibits no obvious signs of disease or decay. It is approximately 6m high, being an early mature specimen. Its situation, in the front garden, on a bend, means that it contributes to the amenity and character of the area with clear views of it from the public realm.



Photograph 1 – View of the Birch taken from the south-east.

DELEGATED REPORT

The works, to reduce the crown, have been amended to reduce that amount of foliar volume taken and, as such, are arboriculturally acceptable. The works to maintain a clearance of 2.5m above the public footpath will give rise to an appropriate clearance distance.

CONCLUSION

The works, as described in the proposal, can commence subject to conditions.

RECOMMENDATION

APPROVE

1. The works, hereby consented to, shall be carried out within a period of 2 years from the date of this decision notice.
   (Reason - To ensure that the works are carried out within a reasonable period of time.)

2. The works hereby consented to shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).
   (Reason - In the interests of amenity and to ensure the works are carried out in a satisfactory manner.)

NOTE FOR APPLICANT

1. **Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

	Service Lead Planning Strategy and Development Management	**Development Manager**	**Principal Planning Officer**
Authorised By			
Date			

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the

wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

DELEGATED REPORT

Application No:	**26/0402/TRE**
Location:	**Riverside Cottage Mudbank Lane Exmouth EX8 3EG**
Proposal:	**T1, Oak : reduce all over by no more than 3m, maximum diameter of cut (MDC) 120mm. T2, Oak : reduce all over by no more than 3m, MDC 120mm.**
Development Type:	**TPO**
Date of Site Visit:	**11.03.2026**

Consultation Period End Date: 03.04.2026

CONSULTATIONS

CONTRIBUTORS

Other Representations

OFFICER REPORT

The two Oak subject of this application are mature specimens with a co-dominant crown, their height being approximately 15m. They have been 'topped' in the past, before they were protected, and exhibit healthy secondary regrowth. Furthermore, the north-eastern canopy, over Riverside Cottage's boundary, has been heavily pruned, producing dense re-growth that may require management in the future. There are no obvious signs of disease or decay.

The trees, as a pair, create a single canopy and provide a valuable addition to the amenity and character of the area as they are easily visible near the estuary and cycle path.

The proposal, to reduce the entirety of the crowns by no more than 3m with maximum pruning cuts of 120mm is, effectively, 'topping' which is considered poor arboricultural practice as the resulting pruning wounds will be of such a size that the likelihood of them providing entry points for infection is increased. Additionally, the resultant removal of such a large volume of photosynthetic material from the crown of each tree will place undue stresses upon the organism's ability to healthily regenerate. Regrowth will be in the form of bushy, dense outer canopies meaning that the pressure to regularly prune will be amplified. There has been no justification for the excessive tree works.

DELEGATED REPORT



Photograph 1 – View, to the north, of the two Oak from Mudbank Lane.

The proposal will result in the trees', positive impact upon the character and amenity of the area being severely diminished and will place each of them under unnecessary physiological stresses.

CONCLUSION

Refuse the proposed works.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed works would result in an unnecessary and excessive loss of foliage, causing harm to the health and long-term form of the trees and is likely to stimulate dense and unattractive regrowth, requiring ongoing management. The works would, therefore, cause unjustified harm to the amenity of the trees and the wider area.

	Service Lead Planning Strategy and Development Management	**Development Manager**	**Principal Planning Officer**
Authorised By			
Date			

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community

interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

DELEGATED REPORT

Application No: **26/0434/TCA**

Location: **6 Rolle Villas**
Exmouth
Devon
EX8 2AE

Proposal: **T1, pseudo acacia : reduce by 2m back to previous cuts.**
T2, Walnut : carry out a one in three crown thin, not removing a branch with a greater diameter than 100mm.
T3, Oak : reduce the height and spread by 2m.
T4, Sycamore : reduce by 2.5m back to previous cuts.

Development Type: **Tree in Conservation Area**

Date of Site Visit: **11.03.2026**

Consultation Period End Date: **03.04.2026**

CONSULTATIONS

None received.

CONTRIBUTORS

Other Representations

None.

OFFICER REPORT

The trees contribute to the amenity and character of the area as they appear to have good vitality, form and can be observed from the public realm. Regardless, the works as described in the proposal, will not detract from the attractiveness of the area to which the tree contributes.



Photograph 1 – Walnut, circled red and Acacia, circle orange.



Photograph 2 – Oak, circled yellow.



Photograph 3 – Sycamore, circled white.

Furthermore, these tree works are a continuation of previously, similar maintenance and upkeep for the well-stocked garden.

CONCLUSION

There is no expediency to make a tree preservation order, and the works can commence.

DELEGATED REPORT

RECOMMENDATION

NO OBJECTION:

1. The Local Planning Authority has no objection to the proposed tree works as detailed within your original notification of works:

   The works shall be carried out within a period of two years from the date of your original notice. The reason is to comply with Section 211 of the Town & Country Planning Act 1990.

NOTE FOR APPLICANT

1. **Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

2. British Standard BS 3998:2010 Tree Work - Recommendations came into effect on 31 December 2010 and supersedes BS 3998:1989 which is withdrawn. Before carrying out the works to which this notice applies, any person involved with the works should ensure they are fully aware of the contents of the new standard. A copy of the standard is available for inspection at the Council Offices, Blackdown House, Border Road, Honiton or can be purchased from the BSI Shop on the website www.bsigroup.com/shop.

	Service Lead Planning Strategy and Development Management	**Development Manager**	**Principal Planning Officer**
Authorised By			
Date			

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

DELEGATED REPORT

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

DELEGATED REPORT

Application No: **26/0214/TRE**

Location: **20 Avondale Road**
Exmouth
Devon
EX8 2NQ

Proposal: **T1: Oak - reduce via thinning, lateral crown spread growing to west by approximately 1.5-2m, making cuts no greater than approximately 50mm in diameter. Reduce crown's western aspect from approximately 6m-4.5m.**
T2: Oak - reduce, via thinning, overall crown dimensions by approximately 1.5-2m making cuts no greater than approximately 50mm in diameter; the trees height will be reduced from approximately 18m-16.5m and the lateral crown spread will be reduced from approximately 22m-20.5m.

Development Type: **TPO**

Date of Site Visit: **18.02.2026**

Consultation Period End Date: 13.03.2026

CONSULTATIONS

CONTRIBUTORS

Other Representations

OFFICER REPORT

The subject trees are 2 mature oaks growing to the rear of the property in or near the boundary. T1 is a twin stemmed tree, subservient to its neighbour and with its crown biased to the southwest and encroaching on the roof of the dwelling. T2 is a larger single stemmed feature growing in the rear boundary, both trees appeared to be in normal health and condition, but they could not be inspected closely due to the amount of ivy and other vegetation growing around the base of both trees.
The tree canopies are easily seen from Avondale Road, with their neighbours to the north and there are longer range views of them, from the west particularly. They are significant features of the landscape that add positively to amenity, the character of the area and the wider environment.

The works proposed to the trees are described in the application as - T1: Oak - reduce via thinning, lateral crown spread growing to west by approximately 1.5-2m, making cuts no greater than approximately 50mm in diameter. Reduce crown's western aspect from approximately 6m-4.5m.

T2: Oak - reduce, via thinning, overall crown dimensions by approximately 1.5-2m making cuts no greater than approximately 50mm in diameter; the trees height will be reduced from approximately 18m-16.5m and the lateral crown spread will be reduced from approximately 22m-20.5m.

DELEGATED REPORT

The proposed works to T1 are considered reasonable in principle to reduce the encroachment on the dwelling but will need to be limited by condition to prevent them being excessive and removing too much bud bearing material from the tree.
The proposed works to reduce T2 as depicted on the submitted annotated photo appear more extensive than as described in the application, and again, while some minor reduction is acceptable due to the proximity to the dwelling, any approved works will need to be limited by condition so that they are not excessive and do not detract from the tree's appearance, its health or the amenity it provides.

CONCLUSION

Approve subject to suitable conditions

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works, hereby consented to, shall be carried out within a period of 2 years from the date of this decision notice.
   (Reason - To ensure that the works are carried out within a reasonable period of time.)

2. The works hereby consented to shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).
   (Reason - In the interests of amenity and to ensure the works are carried out in a satisfactory manner.)

3. The pruning works hereby permitted shall be carried out in accordance with attached annotated photographs reference: 26/0214/TRE annotated photograph 1 and 26/0214/TRE annotated photograph 2.
   (Reason: to ensure the works are not excessive and they accord with good arboricultural practice.)

NOTE FOR APPLICANT

1. **Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

	Service Lead Planning Strategy and Development Management	**Development Manager**	**Principal Planning Officer**

DELEGATED REPORT

Authorised By			
Date			

Statement on Human Rights and Equality Issues

Human Rights Act:
The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

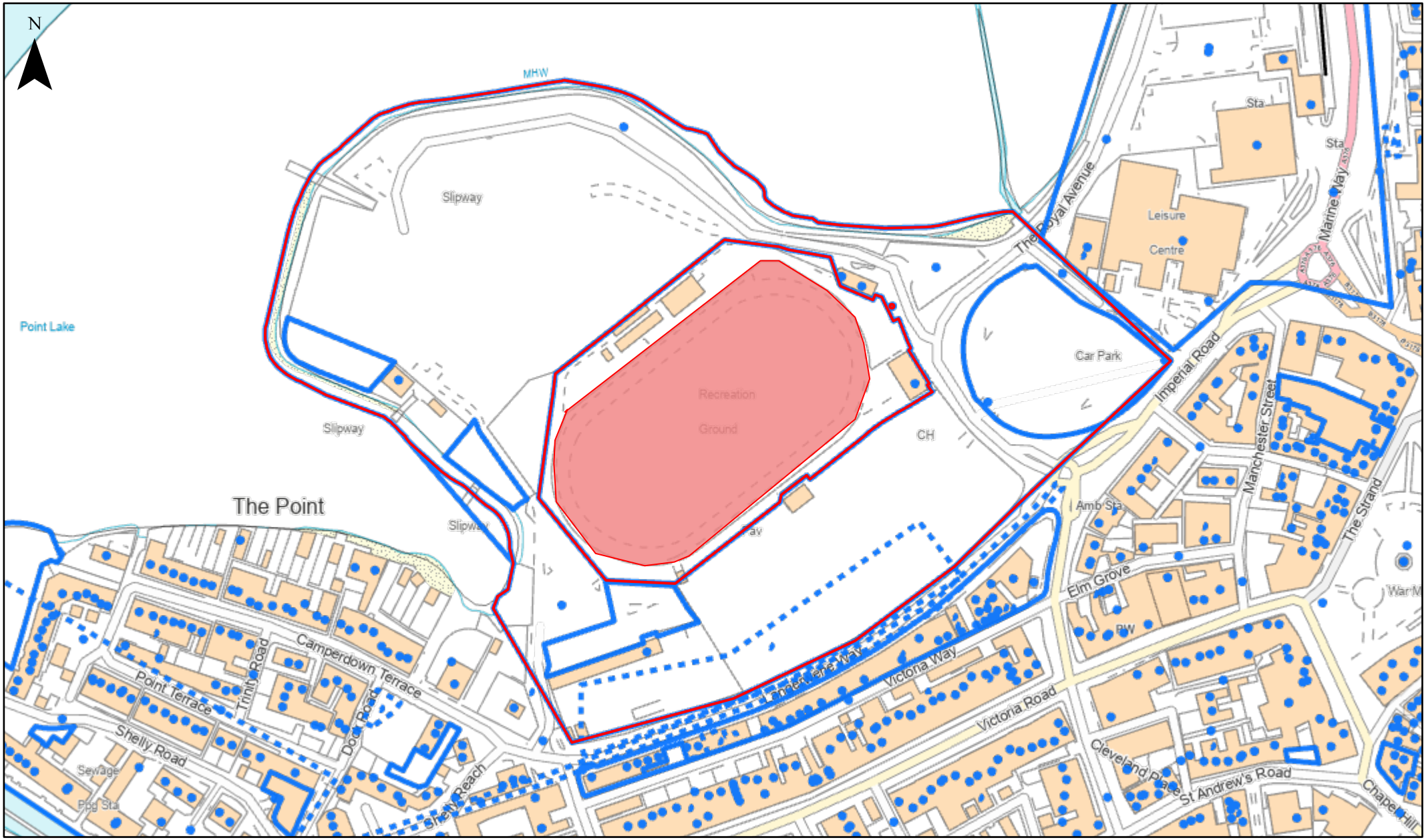


26/0214/TRE annotated photograph 1, dashed orange line shows approximate of permitted pruning

DELEGATED REPORT



26/0214/TRE annotated photograph 2, dashed orange line shows approximate of permitted pruning



Scale: 1:2,500

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Map Tile: SX9981SE Full Reference: SX99706 81008

East Devon District Council


Moorfield Cl
Marpool Primary School
Exmouth & District
Childen's Centre
Moorfield Rd
Green Cl
Colleton Way
Lovelace Cres
Bradham Ln
Denmark Rd
Bradham Ct
East Devon Tree Care Ltd
Qualified
and Insured
Direct Dogs Exmouth
Colleton Way
Lovelace Cres
Moorfield Rd
Figgy's Childcare

Memo

To: Clerk To Exmouth Town Council

From: Arboricultural Team

Your Ref:

Our Ref: 25/0048/TPO Date: 19 March 2026

SUBJECT:

TREE PRESERVATION ORDER
PROPOSAL: Land at, and to the north of, Brickfield Cottage, Mudbank Lane, Exmouth
TPO NO: 25/0048/TPO

I would like to inform you that the above Tree Preservation Order has been made which effects land which you may own or managed.

Should you require any further information, please do not hesitate to contact the team.

Arboricultural Team
Countryside Services

Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2026

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal Ref: 6000802
Land North of Dennesdene Close, Exmouth EX8 4SJ

- 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 Adrian Clarke against the decision of East Devon District Council.
- The application Ref is 24/1372/FUL.
- The development proposed is construction of detached bungalow.

Decision

1. The appeal is allowed and planning permission is granted for construction of detached bungalow at Land North of Dennesdene Close, Exmouth EX8 4SJ in accordance with the terms of the application, Ref 24/1372/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposed changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

3. The main issues are

   - the effect of the proposal on the character and appearance of the site and its surroundings; and
   - the effect of the development on the Exe Estuary and East Devon Pebblebed Heaths Special Protection Areas (SPAs) and the East Devon Pebblebed Heaths Special Area of Conservation (SAC).

Reasons

Character and appearance

4. The site is currently a rough, grassed area enclosed by a post and wire fence and shrubs on its southern side and a post and rail fence on its eastern side. A belt of mature trees lies along its northern boundary. Adjacent to its western boundary is a single storey, predominantly obscure glazed structure situated to the rear of the adjoining two storey dwelling. A bungalow lies to the south of the site across

Dennesdene Close with further dwellings beyond. Immediately to the east of the site is a tract of rough grassland which slopes down towards the partly wooded boundary with Marley Road.

5. The site and the grassland immediately to the north east of the site form part of land designated as a 'Valley Park' in the East Devon Local Plan 2016 (EDLP). The EDLP indicates that such parks are to be used for informal recreational activities and that they also form an important visual amenity for nearby residents and act as wildlife corridors to the countryside. As a consequence policy EN2 states that development other than that to provide a safe corridor for pedestrians, cyclists and disabled users and for outdoor recreation will not be permitted. Whilst the site is in private ownership and does not have public access, the supporting text to EDLP policy EN2 indicates that there will not necessarily be public access to all parts of the Valley Parks. Policy EN2 of the Exmouth Neighbourhood Plan 2019 (ENP) also seeks to conserve and, where possible, enhance the existing Valley Parks in the town.

6. The proposal does not provide a safe corridor for pedestrians, cyclists and disabled users and would not be for outdoor recreation. Therefore it does not fall within one of the categories of development permitted by EDLP policy EN2. It would result in the encroachment of residential development beyond the eastern boundary of the northern segment of the designated Bapton Brook Valley Park. This would result in a small reduction in the size of the designated park and would erode the verdant character of the Valley Park at the eastern end of Dennesdene Close.

7. The visual effect on the character and appearance of the Valley Park however would be limited by the substantial tree screen along the northern site boundary which would restrict views of the dwelling from the north. The site boundary would not project further into the Valley Park than the existing eastern boundaries of the properties to the north of the site. As a result, when combined with the existing dwelling on the southern side of Dennesdene Close, which provides a sense of enclosure on the southern side of the site, the harm caused by the physical encroachment of development into the designated park would be limited.

8. Whilst the encroachment of the development onto the edge of the Valley Park would be noticeable from the eastern end of Dennesdene Close, the site's location to the rear of the dwellings fronting Hulham Road means that it would not have a harmful effect on the already restricted view of the Valley Park from Hulham Road. Although the level nature of the site means that it could provide a viewpoint across the valley for users of the park if public access was gained in the future, the upper parts of the western edge of the existing fields in the park would still provide a range of alternative viewpoints.

9. The steeply sloping field which forms part of the Valley Park to the north east of the site provides a pleasant, green backdrop to views from Jubilee Drive beyond. However, the position of the proposed dwelling on more level ground at the crest of the hill and the screening effect of the boundary trees means that the dwelling would not be prominent in views across the valley and would be seen in the context of the existing dwellings bordering the park on the southern side of Dennesdene Close. A new hedgerow is proposed along the eastern site boundary which, in time, would further reduce the visual impact of the proposal on the park.

10. Whilst the Framework allows for local and neighbourhood plans to designate land as Local Green Space, Bapton Brook Valley Park is not designated in either the EDLP or ENP as Local Green Space as defined in the Framework. The EDLP makes clear that the plan does not designate any Local Green Spaces. Whilst the site and adjoining land is valued for its visual amenity, wildlife corridors and possible future recreational activity, the Council does not claim that the Bapton Brook Vally Park is a Local Green Space. I have no sound reason from the evidence before me to arrive at a different conclusion. Therefore, having had regard to the *Lochailort* judgement[1], the Framework's requirement that decisions managing development within Local Green Space should be consistent with national policy for Green Belts does not apply to this proposal.

11. Policy OL06 of the East Devon Local Plan 2020 to 2024 Regulation 19 Plan February 2025 applies to Local Green Spaces designated through Neighbourhood Plans. As the site is not allocated as Local Green Space in the ENP and I have not been referred to any subsequent Neighbourhood Plan in which it is so designated, the proposal would not conflict with draft policy OL06.

12. Nevertheless, for the reasons given, the limited harm which would be caused to the character and appearance of the site and its surroundings results in conflict with Strategy 6 and policies EN2 and D1 of the EDLP and ENP policy EN2 which seek to protect the character of the site and its surroundings and conserve the Bapton Brook Valley Park.

Effect on nationally and internationally protected sites

13. The site is located within 10km of the SPAs and SAC. Regulation 63(1) of the Habitat Regulations requires me to make an appropriate assessment of the implications of the proposal for the conservation objectives of the SPAs and SAC. I have therefore carried out an appropriate assessment.

14. The Exe Estuary SPA includes the estuary waters, foreshore, saltmarsh and the sand dunes and spit of Dawlish Warren, and extends to Exeter at the northern end of the estuary. The mudflats and sandflats support eelgrass and beds which provide rich feeding habitats for wintering birds. Its qualifying features are that it supports populations of overwintering avocet, slavonian grebe, black-tailed godwit, dark-bellied brent goose, dunlin, grey plover, oystercatcher and a waterbird assemblage. The East Devon Pebblebed Heaths SPA lies to the north east of Exmouth. The qualifying features of the SPA are the populations of nightjar and Dartford warbler. The qualifying features of the SAC are its Northern Atlantic wet heaths, wet heathland with cross-leaved heath, European dry heaths and populations of southern damselfly.

15. The evidence indicates that the proximity of the appeal site to the SPAs and SAC means that future occupants of the development could contribute to disturbance of these protected areas through recreational activities. The potential for adverse effects is likely to increase with the amount of residential development meaning that the combined effects could be significant and affect the integrity of the protected sites.

16. The Council has adopted a 'South-east Devon European Site Mitigation Strategy' 2014 which establishes a joint approach with adjoining Councils towards the

[1] Lochailort Investments Ltd, R (On the Application Of) v Mendip District Council [2020] EWCA Civ 1259

mitigation of likely significant effects on the protected sites arising from cumulative residential schemes. A Habitats Mitigation Contribution is sought for each new dwelling which is then used to deliver mitigation for the recreational impacts on the protected sites. For this appeal, the appellant has submitted a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) and a signed copy has been provided to me. It undertakes that a 'Habitats Mitigation Contribution' of £367.62 will be paid to the Council towards mitigating the effects of the proposal on the internationally protected sites before the first occupation of the dwelling.

17. The Council's evidence indicates that the contributions are used to fund new habitat creation, manage habitats and provide on-site and off-site mitigation measures. I am satisfied that the contribution would be necessary to mitigate the impact of the development on the protected sites. It is also directly related to the proposed development and is fairly and reasonably related in scale and kind to the development.

18. I have consulted Natural England which has confirmed that the mechanism for securing the mitigation through the UU and the contribution which would be provided is sufficient to avoid adverse impacts on the protected sites. As the payment would be secured through the UU, I am satisfied that likely significant effects on the integrity of the SPAs and SAC would be avoided.

19. For these reasons, the proposal would not have an adverse effect on the SPAs and SAC. It would therefore comply with the Habitat Regulations and with EDLP Strategy 47 which seeks to maintain the integrity of internationally designated sites.

Other Considerations

20. Vehicular access to the site would be via Dennesdene Close which is a private road. Whilst interested parties indicate that they own the private road and some boundary fencing, the appellant states that there is a right of way to the land within the appellant's ownership. Notwithstanding that the existence of private rights of way are a civil matter, the site lies within the built-up area boundary of the town with bus stops within walking distance. As a consequence, future occupiers of the dwelling would not necessarily have to rely on the private car to reach local services and facilities in the town. I also saw on my site visit that on-street parking is available on Hulham Road. Access to on-site parking for future occupiers of the dwelling would therefore not be essential to enable the development to proceed. The dwelling would be set back from Dennesdene Close and as a consequence would not prevent access to the Valley Park from the cul-de-sac in the future if the appeal were allowed.

21. Whilst the proposal might result in a modest increase in vehicle movements along Dennesdene Close, the Council's officer report concluded that there is good visibility onto the public highway. I also saw on my site visit that there is sufficient visibility at the junction of Dennesdene Close and Hulham Road to prevent harm being caused to highway safety.

22. The Arboricultural Impact Assessment and tree protection plan indicate that, provided the appropriate tree protection measures are adhered to, it is unlikely that there would be any direct adverse effects on the amenity of the trees along the northern site boundary. A tree protection barrier proposed within the site would

provide a ‘construction exclusion zone’ within which any building operations would be supervised by an arboriculturist. Whilst the plans show a chimney, I have not been provided with any compelling evidence that the use of the chimney would cause harm to the trees. The Council has raised no concerns about the impact of the proposal on the trees and I have found no sound reason to come to a different conclusion.

23. The proposed dwelling would be single storey and the distance between it and the neighbouring dwellings would be sufficient to prevent harm being caused to the living conditions of occupiers of the neighbouring dwellings as a result of loss of light or noise. The distance to the dwellings to the north and south of the site is sufficient to prevent harmful overlooking of the habitable rooms in those dwellings from the windows in the proposed dwelling. Whilst the swimming pool building located beyond the western boundary is largely obscure glazed, two clear glazed panels face towards the proposed hardstanding. The provision of appropriate boundary fencing would, however, prevent a loss of privacy to users of the pool. This could be secured by a planning condition if the appeal is allowed.

24. Although previous planning applications have been submitted for the development of the site, I am not aware of the full details of those proposals or the planning context in which they were considered. I have determined the appeal on its individual merits.

25. I have not been provided with any evidence that the proposal would result in an increased risk of flooding. Details of a foul and surface water drainage scheme together with a construction management plan could be secured by suitably worded planning conditions if the appeal is allowed. This would enable the Council to approve the proposed drainage arrangements and manage the construction of the development in the event that planning permission is granted.

Planning balance

26. The EDLP and ENP form the development plan for the area in which the site is located. Whilst I have not found conflict with EDLP Strategy 47, the limited harm which I have identified would result in conflict with Strategy 6 and policies EN2 and D1 of the EDLP and policy EN2 of the ENP. The proposal would therefore conflict with the development plan when read as a whole.

27. The Council can only demonstrate 2.97 years supply of deliverable housing sites which is well below the minimum level required. The policies most important for determining the appeal identified above are therefore out of date for the purposes of the Framework. Consequently, with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is required.

28. Paragraph 232 of the Framework nevertheless states that due weight should be given to existing policies according to their degree of consistency with the Framework. The policies in the Framework require that planning decisions should be sympathetic to local character including the surrounding built environment and landscape setting. It also indicates that existing open space should not be built on unless specific criteria are met. Strategy 6 and policies EN2 and D1 of the EDLP and policy EN2 of the ENP are broadly consistent with these policies therefore conflict with them should be given substantial weight in this appeal.

29. The Framework highlights that small sites such as this can make an important contribution to meeting the housing requirement in the area and are often able to be built out relatively quickly. Taking into account the significant shortfall in the Council's supply of deliverable housing sites, the benefit of an additional dwelling in a sustainable location therefore attracts substantial weight in favour of the proposal. There would also be moderate economic benefits during construction and from the spend by future occupiers on services in the local area.

30. Overall, the limited adverse impact of the proposal does not 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. As a result, the presumption in favour of sustainable development applies to this appeal.

Conditions

31. I have had regard to the conditions suggested by the Council and interested parties if the appeal is allowed. Conditions setting out the period for commencing the development and requiring that it be carried out in accordance with the approved plans are necessary to provide certainty. Whilst the plans indicate which building materials are proposed, it is also reasonable to require the submission of samples of them to ensure that they are compatible with the character and appearance of the area in accordance with EDLP policy D1.

32. It is also reasonable and necessary to impose a condition ensuring that the trees adjacent to the site of the proposed dwelling are suitably protected for the duration of the construction of the development in accordance with the submitted Tree Protection Plan. I have adjusted the suggested condition to make it more precise. The reference to the National Joint Utilities Group Guidelines by the Council has not been justified and their status is unclear. Therefore, it would be unreasonable to refer to the guidelines in a condition. It is, however, reasonable to impose conditions to require the submission and implementation of a detailed landscaping scheme in order to ensure that the development complements the open space to the east.

33. A condition requiring the submission of a construction management plan prior to the commencement of the development is reasonable to allow the Council to manage the construction of the development. I have adjusted the wording of the suggested condition to make it more precise. It is also reasonable and necessary to require the submission of foul and surface water drainage details. I have therefore imposed a condition requiring that these are submitted and approved by the Local Planning Authority prior to the commencement of the development. For the reasons already given, a condition to secure the provision of an appropriate boundary fence along the western site boundary is reasonable and necessary to protect the users of the adjoining swimming pool from a loss of privacy. A condition requiring a similar fence along the northern site boundary would not be necessary due to the intervening trees and shrubs along that boundary.

Conclusion

34. The proposed development would conflict with the development plan as a whole but material considerations, specifically the Framework, indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

R Kent

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the plans listed below:
   i. Location Plan
   ii. Drawg No. 985 Rev A
   iii. Tree Protection Plan with AIA 05377 TPP 18.12.19

3. The development shall be carried out in accordance with the approved Tree Protection Plan with AIA 05377 TPP 18.12.19. The protective fencing shall remain in place until all works are completed and the development shall be carried out in accordance with the following restrictions:
   (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree or hedging to be retained.
   (b) No trenches for services or foul or surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.
   (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.
   (d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the first occupation of the dwelling shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

4. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:
   (a) the timetable of the works;
   (b) proposed daily hours of construction;
   (c) any road closure;
   (d) proposed hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6:00pm Mondays to Fridays inclusive and 8.00am to 1.00pm on Saturdays, and no such vehicular movements taking place on Sundays and Public Holidays unless agreed by the Local Planning Authority in advance;
   (e) the proposed number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the location of any compound where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;
(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
(h) hours during which no construction traffic will be present at the site;
(i) the means of enclosure of the site during construction works;
(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
(k) details of wheel washing facilities and their proposed use;
(l) the proposed route of all construction traffic exceeding 7.5 tonnes;
(m) details of the amount and location of construction worker parking; and
(n) photographic evidence of the condition of the nearest section of the public highway prior to commencement of development.
The construction of the development shall thereafter be carried out in accordance with the approved Construction Management Plan.

5. No development shall take place until a detailed foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
   ii) include a timetable for its implementation; and,
   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details.

   The foul and surface water drainage system shall be implemented in full prior to the occupation of the dwelling and thereafter be managed and maintained in accordance with the approved management and maintenance plan.

6. Notwithstanding the approved plans, no development above foundation level shall take place until samples of the materials to be used externally have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

7. Notwithstanding the approved plans, prior to occupation of the dwelling hereby approved a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and details of areas of hardstanding. The scheme shall also give details of any proposed walls, gates, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any

alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

8. Prior to occupation of the dwelling hereby approved a 2 metre high fence shall be erected along the western boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved fence shall thereafter be retained.

END OF CONDITIONS