

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 20 August 2025
at 2.15 pm

Present

Councillors: L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, C Harrower,
B Holdman, L G J Kennedy, L Knight,
M Jenkins and S Robinson

Apologies

Councillors: G Duchesne and N Letch

Also Present

Councillor: S Keable

Also Present

Officers: Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), John Hammond (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer), Milad Ghaderi (Planning Officer) and Angie Howell (Democratic Services Officer)

Councillor

Online: D Wulff

33 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:58)

Apologies were received from:

- Cllr G DuChesne who was substituted by Cllr L G J Kennedy.
- Cllr N Letch who was substituted by Cllr L Knight.

34 PUBLIC QUESTION TIME (00:04:34)

Councillor David Parker objecting to application 25/00356/FULL - Crediton Hamlets Parish Council spoke on behalf of Crediton Hamlets Parish Council as he was unable to address the Committee when the application was being considered under the "Plans List"

Marthe Gomer referred to Application No 25/00356/FULL.

The applicant, and their agent, ecologist, drainage experts, land surveyor, the St Francis Trust, the Parish Council and finally the people who live at Posbury all agree that the application site is a green field site, sometimes referred to by the applicant's team as: "a grass land field". This is the one thing we all agree on.

There are only four exceptions to building a house on a green field site. These are:

- 1* Re use of a heritage site.
- 2* Re use of a redundant farm building.
- 3* Construction of an agriculturally tied dwelling.
- 4* The design of the dwelling is so exceptional and unique as to be given consideration.

The application fails on all four counts.

Question 1: Why has this come before the Committee when it clearly should have been stopped in its tracks by the Planning Officer months ago?"

I appreciate there is always a presumption of approval for applications but this is not bending the rules to allow a house to be built in the middle of a field - it's disregarding them entirely. This field was used as a landfill site for two years by the applicant to dispose of builder's rubble including toxic and hazardous waste, in particular large quantities of asbestos are buried in huge pits all over the site.

Question 2: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Beverley Seal referred to Application No. 25/00356/FULL

My husband and I bought and converted the Old Chapel. We live immediately next to Nazareth and support its demolition.

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the local plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Chris Howard referred to Application Number 254/00752/FULL

I am objecting to 25/00752/FULL. I would really like the opportunity to object to the discharge of a condition of 19/00914/FULL that approved a plan to run sewage pipes across our gardens and along two elevations of our and our neighbour's houses. However, this opportunity was not forthcoming, which I believe is a staggeringly unreasonable omission in planning process. However, as the two developments are working collaboratively, I wonder if the financial viability of one development is dependent on the other.

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: 'Involving and engaging with our communities, ensuring everyone is treated with equity...'

'The organisation...is run for the benefit of the people of Mid Devon.'
Section 2.6 on page 9 of the officer's report states that '...the tank will be managed by a management company funded by the occupiers of the development.'

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Question 3: Condition 8 states that the development must be strictly in accordance with the requirements of the ecological survey dated 8th July 2022. However, Section 1.3 of this report states clearly that the results of the ecological survey only remain valid for 12 months.

Do members agree that a renewed ecological survey is needed if the 'strict accordance' of condition 8 is to be met?

Stephanie Howard referred to Application Number 24/00752/FULL

I have read the documents on the portal with technical explanations for why conditions may have been met. Two key issues remain

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Question 2: One is the destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing three hedges including one which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only yesterday. Do the Council believe this is justified?

The detrimental effect on local amenities and the mental health of local residents remains the same. In order for the developer to use a cheaper option of digging drains through our land, it will mean that an easement the length of approximately 60 meters long and three metres wide would need to be dug through the drives belonging to us and our neighbour. This is causing extreme anxiety to us and our 82 year old neighbour Mrs Disney. She is unable to be here today but has raised her objections via the planning portal. There will be the stress and disruption while pipes are being laid and concern re how our properties will be affected and support these long term. Our properties will be changed forever.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Chris and I have spent hours trying to work with authorities and trying to understand how two small developments at the back of our house may be allowed to lead to the destruction of parts of our home. South West Water have told us this is a planning issue, but Mid Devon District Council have told us that it is an issue to be taken up with South West Water. Although one development has been given permission through conditions not needing public consultation, it has been stated in reports that the two developers are working together on issues such a drainage. What we do now know is that by Mid Devon District Council passing this plan it allows developers to approach South West Water to requisition land to allow these works to take place.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy?

35 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:20:30)

Members were reminded of the need to declare any interests where appropriate.

There were no declarations of interest.

36 MINUTES OF THE PREVIOUS MEETING (00:20:49)

The minutes of the previous meeting held on 30 July 2025 were agreed as a true record and **SIGNED** by the Chair. This included the agreed removal of the words "Conservation Officer" and addition of "Area Team Leader" in its place in minute 30.

37 CHAIR'S ANNOUNCEMENTS (00:22:07)

The Chair reminded Members of the Planning Committee that training would take place on Wednesday 10 September at 10.00am. The Planning Committee would follow at 2.15pm.

38 WITHDRAWALS FROM THE AGENDA (00:22:24)

There were no withdrawals from the Agenda.

39 THE PLANS LIST (00:22:30)

The Committee considered the applications in the *Plans List.

1. 25/00752/FULL - Variation of Condition 3 of planning permission 22/00432/FULL (Erection of 5 dwellings) to allow substitute plans relating drainage at Land at NGR 306758 113093, (South of Allotment Gardens), Clay Lane, Uffculme.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The site had extant planning permission for 5 dwellings as did the adjacent site to the east. The sites were not in the same ownership but developers were working collaboratively on some matters which included drainage.
- An application to vary the drainage scheme had previously been refused by the Committee. This application sought to address the Committee's refusal reasons which related to a lack of information for the foul water scheme and insufficient infiltration testing.
- The applicant engaged a planning agent who had provided more information in relation to the proposals and additional infiltration testing had been carried out which included 5 additional trial pits.
- The previously approved drainage scheme was for infiltration however that approach was not feasible due to the clay-like surface with water levels not dropping sufficiently at testing stage.
- The next option was connection to a waterbody with the River Culm however this was not a suitable option.
- Connection to a surface water sewer was required and as this had been approved as part of the adjacent site application, it was logical for this development to use the same drain.
- Whilst it was unfortunate the scheme would result in some works on third party land, those works would be taking place as part of the adjacent development. In addition, South West Water (SWW) had requisition powers to undertake those works. Permitted development rights required SWW to restore the land to its previous condition as soon as was reasonably practicable.
- With regard to foul drainage, the previous refusal reason referred to a lack of information as to why the specific connection point was chosen. It had since been clarified that the previously approved connection at Clay Lane would result in significant road closures on a 90 metre stretch of road. The approach proposed for this application was designed by professional engineers and was considered safe and policy compliant with no objections from professional consultees. The lack of road closure was considered to be a betterment compared with the previously approved approach.

In response to public questions the Principal Planning Officer answered as follows:-

Chris Howard

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: Involving and engaging with our communities, ensuring everyone is treated with equity.

Answer 1: Consultation requirements are generally set nationally and there is no requirement to consult on discharge of condition applications.

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Answer 2: This is not something ordinarily secured at application stage, particularly for a variation of condition application.

Question 3: Re Condition 8 of the Ecology Survey dated 8/7/22 – as only valid for 12 months that expired in July 23 – is another ecology report required?

Answer 3: There is no requirement for an Ecology Survey for a variation of condition application and officers feel biodiversity and ecology is protected by existing conditions. It is not considered that the proposal for a revised drainage scheme will destroy nature as suggested.

Stephanie Howard

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Answer 1: Whilst it is unfortunate that the scheme will pass through third party land and I do have sympathy with this, Members are reminded that these works will be happening anyway as a result of the other application and SWW have a requirement to make good any works.

Question 2: The destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing 3 hedges including 1 which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only today. Do the Council believe this is justified?

Answer 2: As per answer 3 above.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Answer 3: As per answer 1 above.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy.

Answer 4: As per answer 1 above.

Discussion took place regarding:-

- The time it would take for South West Water (SWW) to restore the land to its previous condition. It was explained that SWW were obliged to ensure they met the permitted development rights within 6 months of the completion of survey works whereby they must remove machinery and restore the land back to its former condition. However, if SWW did not comply then this would be referred to Enforcement to investigate.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chair)

Notes:-

- (i) Chris Howard spoke as the objector
- (ii) Simon Collier, Collier Planning (online) spoke as the applicant
- (iii) Gemma Cole, Clerk Uffculme Parish Council
- (iv) Cllrs S Clist, C Harrower and L G J Kennedy voted against the application.
- (v) Cllr B Holdman abstained from voting.

2. 25/00825/HOUSE - Erection of replacement single storey extension to include external access ramps to improve accessibility at 50 Francis Crescent, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The purpose of the scheme was to improve accessibility for the occupant.
- The applicant was a member of Mid Devon District Council's staff which was why the application was presented to Committee.
- The proposed plan showed the replacement of the conservatory with a larger single-story extension which provided a more open-plan living and dining area, a new bedroom and level access throughout the property.
- Ramps were also proposed to the front and rear entrances of the property.
- The new extension would be finished in brick to match the host dwelling with a dark fascia to the flat roof.
- The main issues raised were: design and scale; heritage; accessibility; highway and parking; ecology and neighbour impact.
- The Conservation Officer supported the amended materials and the scheme was considered to preserve the setting of the conservation area.
- The Highway Authority had no objections.
- A bat box would be installed as an enhancement.
- No objections had been received from neighbours.

There being no discussion, it was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr S Robinson)

Note: Cllr L G J Kennedy made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters stating that he lived just across the canal from the property but had no interest in the property and did not know the residents

3. 25/00356/FULL - Demolition of former accommodation block known as "Nazareth" and erection of 1 dwelling and detached garage at Land at NGR 281381 97496, Former Posbury St Francis, Posbury

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- There had been a mistake made in Condition 8 on page 51 as it stated "within 9 months of commencement of development, a landscaping scheme including a detached planting specification for a hedge along the eastern boundary" – it should read as "detailed" rather than "detached".
- The application had been called in by the Ward Member for the Committee to consider the policy implications.
- There was access to the side of the application site which led to a private graveyard for the convent which was located to the rear in the wooded area.
- There was also a public right of way which led from the access road down to the side which was known as Crediton Hamlets Footpath 16.
- The main issues raised were: policy and principle of development; design and appearance of development and visual impact on landscape; impact on heritage assets; impact on the amenity of nearby residential properties; drainage/flood risk; ecology/biodiversity net gain; highway, access and parking.
- The Conservation Officer had noted a betterment for the removal of Nazareth House in regard to an improved setting for the non-designated heritage.
- Policies were in place for a landscaping plan to be agreed and there was also a requirement for biodiversity net gain as part of the proposal.
- The proposed plans were to secure removal of Nazareth House through a Section 106 agreement and to prevent any further development on the Nazareth House site.
- The fall-back position was considered to be realistic, with a proposed development representing betterment and would not result in significant harm to the character and appearance of the site.

In response to public questions the Area Team Leader answered as follows:-

Marthe Gomer

Question 1: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Answer 1: This matter of contamination has been discussed with the Council's Public Health Officer as there are no recorded contaminated land in this area and Public Health have raised no concerns relating to the prospect of contamination, being of the view that any waste deposited on site being inert builder's rubble. The response from the applicant's agent is that Nazareth was built out of blocks and concrete and does not contain any asbestos or similar materials.

Notwithstanding this, the Council's Public Health Officer has advised that if Members are concerned with potential contamination, there is a standard condition which can be imposed whereby any unidentified contamination discovered on site would result in development stopping and the requirement for further investigation and risk assessment undertaken.

The standard wording would be: Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Beverley Seal

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Answer 1: In this case, it would not set a precedent as the Court of Appeal decision [Mansell v Tonbridge and Malling BC] concluded that a fall-back position could be considered where there is permitted development for a dwelling and the fall-back position was "realistic". The requirement being that there should be a betterment to the permitted development.

This approach is commonly applied to alternatives to residential development approved through Class Q applications where instead of converting an agricultural building into a dwelling, an alternative scheme is put forward as a betterment such as improved relationship with neighbours, better design etc. This would be the case with betterment outlined in the officer's report. With regard to setting a precedent, reference has been made to this being a green field site, but as noted in the presentation, this land has permission to be the domestic garden for the dwelling created through Nazareth House and is set lower down, having a backdrop of existing vegetation, whereby the new property would be viewed in the context of the cluster of existing buildings.

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the Local Plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Answer 2: It is correct to say there is an existing policy in the Local Plan, Policy DM10 which allows replacement dwellings in rural areas. This policy states that 'the construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights' and the supporting statement outlines that 'The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot'.

In this case, we have not directly applied this policy as the building in question has not yet been fully converted into a dwelling so the situation is more akin to a Class Q application whereby the fall-back situation is that there is permission for a dwelling on the site and a case for betterment has been outlined. However, it would be correct to state that there is an existing policy which allows for a replacement dwelling in a countryside location subject to meeting certain criteria.

Discussion took place regarding:-

- Whether the graveyard was still in use and who it belonged to. It was explained that it belonged to the convent and it was a graveyard for the Sisters. It was understood that the last Sister that passed away may have been the last potential user of it.
- The distance between the buildings being approximately 45.718 metres.
- Class Q and the conditions of usage and whether it should be for agricultural use. It was explained that Class Qs were the most common type of application for fall-back developments when an applicant secured consent on a series of barns which might have been an intrusion on the landscape location. Therefore the application may be to remove that building and to have an alternative dwelling re-located to reduce the level of impact. This would also be considered as betterment being implemented.
- Though this was not a Class Q application, there is case law where the Court of Appeal had ruled on betterment and fall-back as a real prospect of a permitted development.
- Whether a condition could be considered with regard to contaminants. It was explained that the Committee could include a condition where standard wording could be applied to ensure that any contamination existing and exposed during the development was identified and removed.
- With regard to Condition 7 – whether an amendment could be included with regard to external lighting being installed prior to the development? It was explained that if Members were minded, the condition could be amended with regard to lighting being installed prior to any works above foundation.
- Concerns regarding the precedent and the moving of the building from one location to another.

It was **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure: the demolition of Nazareth House prior to occupation of the replacement dwelling and prevention of further development on this part of the site.

Plus an additional condition with regard to the removal of contamination if required for which standard condition wording would apply and an amendment to condition 7 with regard to lighting being installed prior to any works above foundation.

(Proposed by Cllr F J Colthorpe and seconded by Cllr S Clist)

Notes:-

- (i) Charles Burnett-Hitchcock spoke as the applicant
- (ii) Cllr David Parker spoke on behalf of Crediton Hamlets Parish Council during Public Question Time on the agenda.
- (iii) Cllr Sandy Chenore submitted a statement as the Ward Member (which was read out by the Chair).
- (iv) Cllr B Holdman voted against the application.

*List and report previously circulated.

40 **MAJOR APPLICATIONS WITH NO DECISION (01:45:08)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed the following:-

25/00996/MFUL - Variation of conditions 3, 5 and 6 of planning permission
20/00273/MFUL (Erection of 9 dwellings, conversion of barns to 5 dwellings, with associated works including access improvements and landscaping (Revised Scheme)) in relation to highways and drainage matters - to remain delegated as per the report.

Note: *List previously circulated.

41 **APPEAL DECISIONS (01:45:31)**

The Committee had before it, and **NOTED**, a *list of appeal decisions.

Note: *List previously circulated.

(The meeting ended at 4.01pm)

CHAIR