

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 December 2025
at 2.15 pm

Present

Councillors

L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, G Duchesne,
C Harrower, B Holdman and S Robinson
and G Westcott

Apologies

Councillors

N Letch and M Jenkins

Also Present

Officers

John Millar (Area Team Leader), Adrian Devereaux (Area
Team Leader), Claire Ellis (Conservation Officer), Holly
Brimson (Planning Officer), Tia Carmichael (Democratic
Services Officer) and Angie Howell (Democratic Services
Officer)

Councillors

Online

H Tuffin, A Glover and J Lock

Officer Online

Maria De Leiburne (Director of Legal, People &
Governance (Monitoring Officer))

11 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:09)

Apologies were received from:

- Cllr N Letch
- Cllr M Jenkins who was substituted by Cllr G Westcott.

12 PUBLIC QUESTION TIME (00:04:27)

Tim Barton referred to Application No. 25/00881/OUT

1. Why is a further housing development being considered outside of the Hemyock
Boundary?

2. As a daily witness to traffic turmoil on Culmstock Road, would traffic calming measures be mandated to reduce the impact of a fourth housing estate junction in the short, 120m strip of road in order to slow traffic speeds, reduce congestion and lessen hazardous situations, particularly at school start and end times and during funerals?
3. Would the historic importance of nearby Hemyock Castle require significant archaeological explorations similar to those undertaken in the neighbouring Bailey Lodge property, and how would the developer ensure that the dwellings do not unduly affect both the historic landscape and the important local national landscape?
4. Will the height of proposed dwellings be minimised to moderate the significant height advantage over existing housing both to the east and south of the proposed site?
5. As part of the recent development nearby, will the public open space to the north, of the site be restored to suitable grassland as it is currently unfit for safe public use?
6. To prevent an extended building programme lasting many years, will a time limit be imposed on the whole development build?
7. Will a comprehensive plan be enforced to export any excavated, unwanted soil?
8. Will contributions be made for expansion of the sewage treatment plant to cope with higher use and unpleasant odours, also, to local overcrowded schools, the fully committed Blackdown Medical Practice, and to help generate local employment opportunities?
9. Why is a site visibility splay and a likely visual 'dead spot' in front of the adjacent cemetery not being considered in this application?
10. Why has this application failed to address ownership of a new access road and major weaknesses of heavy good vehicles accessibility, turn-around provision and exit from the site?
11. With 39 houses in Hemyock currently available for sale with three bedrooms or more, is there really a need for additional housing in this area?

13 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:07:45)

Cllr F J Colthorpe declared a personal interest with regard to Planning Applications 25/01237/HOUSE and 25/01239/LBC as she had known the applicant for many years and they had farmed alongside each other. She had also helped the applicant with the application. Considering this, she would leave the meeting when both applications were being considered and would not take part in the vote.

Cllr S Clist made a declaration of interest in accordance with Protocol of Good Practice in dealing with Planning matters regarding Application 25/00881/OUT as there had been a representation made from Hemyock Parish Council of which he was a Member. However, he had not participated or voted on any planning matters discussed at the Parish Council meeting.

14 MINUTES OF THE PREVIOUS MEETING (00:09:40)

The minutes of the previous meeting held on 12 November 2025 were agreed as a true record and **SIGNED** by the Chair.

15 CHAIR'S ANNOUNCEMENTS (00:10:05)

The Chair had no announcements to make.

16 WITHDRAWALS FROM THE AGENDA (00:10:13)

The Chair announced that Planning Application No. 25/01453/FULL had been temporarily withdrawn from the Plans List as the applicant wished to submit amended plans.

17 THE PLANS LIST (00:10:47)

The Committee considered the applications in the *Plans List.

1. 25/01237/HOUSE - Enlargement of existing extension to link property to outbuilding; extension and conversion of outbuilding to form habitable accommodation at Broxford Cottage, East Village, Crediton.

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

- Plans 1 and 2 both related to Broxford Cottage, Crediton.
- The site related to a Grade II listed building and sought planning permission to enlarge the existing extension to link the main property to the outbuilding and for the extension and conversion of the outbuilding to form habitable accommodation.
- The main issues raised included:
 - (i) Impact upon the Grade II listed building.
 - (ii) Section 16 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - (iii) Paragraph 212 of the National Planning Policy Framework (NPPF).
 - (iv) Policies DM1 (high quality design) and DM25 (development affecting heritage assets) of the Mid Devon Local Plan 2013-2033.
- In reaching a decision the Committee needed to be mindful of the duty as set out in Section 16 and Section 66 above, to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possessed.
- Paragraph 212 of the NPPF noted that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset was, the greater the weight should be. This was irrespective of whether any potential harm amounted to substantial harm, total loss or less than substantial harm.

- It was identified that the harm to the listed building would be less than substantial as a result of proposed development. The harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- A Bat Emergence Survey had been submitted in support of the application where a bat roost was identified, and a European Protected Species Licence would need to be obtained from Natural England before any work commenced. The survey would be conditioned in the event of planning approval.
- In accordance with comments received from South West Water, in the event of planning approval, a condition would be placed regarding the reuse of surface water or drainage within the curtilage of the dwelling.
- It was considered that the provision of accessible accommodation would be a private benefit for the applicant and not a public benefit which would not outweigh the less than substantial harm to the listed building.

Discussion took place regarding:-

- How did heritage asset link to the building? It was explained that there had been a change in terminology – as outlined in the NPPF a heritage asset was anything that may be important to someone at some point at some time because of some reason. There was a difference between a designated heritage asset and a non-designated heritage asset. A designated heritage asset included world heritage sites, scheduled monuments, registered parks and gardens, battlefields, shipwrecks, listed buildings and conservation areas.
- Had the current extension been previously considered by the Planning Committee? It was explained that the planning history was unknown as it was not mentioned on the List Description from 1985.
- The difference between the two applications. It was explained that the first application was in connection with the enlargement of the existing extension to link the property to the outbuilding. The second application was to decide on listed building consent for the enlargement.
- Whether the building could be viewed from the public highway? It was confirmed that it was visible from the north, east and the south.

It was **RESOLVED** that planning permission be granted subject to conditions to be delegated to the Development Management Manager in consultation with the Chair and Ward Member.

Reason for approval: The proposal, by virtue of its scale and design, would not be considered to result in harm to the character and appearance but would instead preserve and enhance the listed building.

(Proposed by Cllr S Clist and seconded by Cllr C Harrower)

Notes:-

- (i) Nichola Burley, Heritage Vision – Agent spoke on behalf of the applicant.
- (ii) Cllr H Tuffin spoke as the Ward Member
- (iii) Cllr F J Colthorpe left the meeting at 2.26pm prior to the application being considered.

2. 25/01239/LBC - Listed Building Consent for enlargement of existing extension to link property to outbuilding; extension and conversion of outbuilding to form habitable accommodation; re-roofing of existing extension with slate and replacement windows at Broxford Cottage, East Village, Crediton.

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

- The application was as explained previously without the elements that related to highways, flood risk and ecology.

Discussion took place regarding:-

- Why the building had been listed originally? It was explained that the building was listed in 1985. A comprehensive programme had taken place to identify buildings that were of national importance. Reasons were not provided at that time however if there was thought to be features that were of architectural interest at the time then that would have been noted. It was believed that the listing had not been amended since then.
- Whether the extension was in place when the listing was made? It was explained that this was unknown.

It was **RESOLVED** to approve listed building consent– subject to conditions which are delegated to the Development Management Manager in consultation with the Chair and Ward Member, and this would include a condition that work should be carried out to prevent water pooling in the gully adjacent to the historical walling.

Reason for approval: The proposal, by virtue of its scale and design, would not be considered to result in harm to the character appearance but would instead preserve and enhance the listed building.

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

Notes:-

- (i) Cllr F J Colthorpe left the meeting at 2.26pm prior to the first application being considered.
- (ii) Cllr C Harrower left the meeting at 3.32pm and returned at 3.36pm - she was therefore unable to vote on this planning application.

3. 25/01423/FULL - Change of use of ground floor and rear outbuilding from veterinary practice (Class E) to residential use and subdivision and alterations to existing residential units to provide a total of 7 self-contained apartments (Class C3) at The Laurels, Station Road, Tiverton.

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

- The building was currently vacant and slightly dilapidated.
- The proposal was for the change of use of the ground floor and rear out building to residential use and the subdivision and alteration of existing residential units, which comprised two flats on the first and second floor to provide a total of seven self-contained flats.
- The purpose of the development was to provide social rented housing specifically as temporary accommodation to prevent homelessness and for vulnerable people at risk of homelessness.
- The main issues included:-
 - (i) Principle of development (change of use).
 - (ii) Design and impact on surroundings.
 - (iii) Heritage impact.
 - (iv) Highways and parking.
 - (v) Flood risk.
- The property was within the development area of Tiverton and was suitable for sub-division.
- The units proposed would meet the necessary space standards.
- There would be an accessible parking area to the front of the property which provided four car parking spaces. However, due to the location being close to the town centre and the potential likelihood of many of the residents not having cars, this was not considered to be a substantial issue.

Discussion took place regarding:-

- The provision for electric mobility vehicles. It was explained that this had not been identified in this application as the proposal was to convert a current building that had constraints and limitations.
- How car parking spaces would be allocated? It was explained that car parking spaces would be allocated in the most appropriate way depending upon the needs of the tenants.

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

(Proposed by Cllr B Holdman and seconded by Cllr S Clist)

Notes:-

- (i) Cllr F J Colthorpe rejoined the meeting prior to the application being considered.
 - (ii) Cllr S Clist made a declaration of interest in accordance with the Protocol of Good Practice in dealing with Planning matters in that approximately one year ago he had been shown around the building by officers but at no time had he expressed an opinion on planning matters.
 - (iii) Sam Barnett, Housing Initiatives Officer MDDC spoke as the applicant.
4. 25/01453/FULL - Variation of Condition 10 of Planning Permission 24/00039/FULL (Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages) to allow substitution of approved plans to reflect revised landscaping strategy, and parking areas at Land at NGR 303611 111116, Somerlea, Willand.
- The application had been temporarily withdrawn as the applicant wished to submit amended plans.
5. 25/00881/OUT - Outline application with all matters reserved, other than the point of access for the erection of up to 9 self or custom-build dwellings at Land at NGR 313524 113461, Culmstock Road, Hemyock.

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

- The application was an outline application for up to nine self or custom build dwellings and details of the access at this stage was provided.
- It was located to the north of Hemyock Castle, a scheduled ancient monument and elements of it were Grade II* listed buildings. It was separated from there by an existing development on the north side of Culmstock Road.
- The site was separated from the Cavanna Homes development by the village cemetery of which there was a northern extension.
- The application site included an adjoining bungalow of which part of the front garden would have to be altered to provide access.
- The main issues included:-
 - (i) Principle of development.
 - (ii) 5YLS (Year Land Supply)/Application of the tilted balance.
 - (iii) National landscape.
 - (iv) Heritage.
 - (v) Highway safety.
 - (vi) Flood and drainage.
 - (vii) Residential amenity.
 - (viii) Ecology and biodiversity net gain.
- The site was outside of the development limits of Hemyock however as the Local Plan was out of date due to the five year land supply (5YLS), the tilted balance was of particular importance.

- The indicative landscape mitigation plan showed how the site could be laid out in a sensitive way. It was anticipated that any application of reserved matters coming forward would be in line with this plan, however there was scope for a different scheme to be provided to meet the requirements of preserving, conserving and enhancing the national landscape and the nearby settings.
- The access would be widened in an eastward direction to provide space for two vehicles to pass.
- The proposals included the widening of the road which would allow improved access particularly for larger vehicles.
- The recommendation was to grant outline planning permission subject to a Section 106 agreement with various planning obligations. A further obligation securing rights of access to the cemetery extension for the Parish Council was to be added to the obligations noted in the Committee report.

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

Q1: Why is a further housing development being considered outside of the Hemyock Boundary?

A1: Due to the Council's 5YLS and Local Plan status, housing policies were deemed to be out of date requiring the application of the tilted balance in line with paragraph 11d of the NPPF.

Q2: As a daily witness to traffic turmoil on Culmstock Road, would traffic calming measures be mandated to reduce the impact of a fourth housing estate junction in the short, 120m strip of road in order to slow traffic speeds, reduce congestion and lessen hazardous situations, particularly at school start and end times and during funerals?

A2: No, this was not a proposal or a request from Devon County Council (DCC) Highways Authority who would ultimately advise on such matters.

Q3: Would the historic importance of nearby Hemyock Castle require significant archaeological explorations similar to those undertaken in the neighbouring Bailey Lodge property, and how would the developer ensure that the dwellings do not unduly affect both the historic landscape and the important local national landscape?

A3: No, preliminary investigations had been carried out, and the Environmental Health Team and County Archaeologist did not consider that any further investigations were required.

Q4: Will the height of proposed dwellings be minimised to moderate the significant height advantage over existing housing both to the east and south of the proposed site?

A4: Consideration of final heights and impact on residential amenity and other irrelevant considerations would be dealt with at a reserved matters stage.

Q5: As part of the recent development nearby, will the public open space to the north, of the site be restored to suitable grassland as it is currently unfit for safe public use?

A5: This was not part of the application site and was not relevant to this application.

Q6: To prevent an extended building programme lasting many years, will a time limit be imposed on the whole development build?

A6: No, this was not something that was considered reasonable or in line with best practice in respect to the six tests for conditions.

Q7: Will a comprehensive plan be enforced to export any excavated, unwanted soil?

A7: This was a matter that could be addressed at reserved matters stage when the final layout, levels and design were provided.

Q8: Will contributions be made for expansion of the sewage treatment plant to cope with higher use and unpleasant odours, also, to local overcrowded schools, the fully committed Blackdown Medical Practice, and to help generate local employment opportunities?

A8: Planning obligations may only be sought in certain circumstances. In this case appropriate obligations had been requested where relevant and were listed in the terms highlighted within the Committee report.

Q9: Why is a site visibility splay and a likely visual 'dead spot' in front of the adjacent cemetery not being considered in this application?

A9: This had been considered and fully addressed by the DCC Highway Officer.

Q10: Why has this application failed to address ownership of a new access road and major weaknesses of heavy good vehicle accessibility, turn-around provision and exit from the site?

A10: Ownership of the new access road was not a relevant matter for consideration. The accessibility and turning was addressed through the submission of a vehicle street path analysis and that had been accepted by the County Highway Officer.

Q11: With 39 houses in Hemyock currently available for sale with three bedrooms or more, is there really a need for additional housing in this area?

A11: This was not strictly relevant to the consideration of this application. There was an identified shortage of 5YLS and custom self-build housing in the district. There were many differing circumstances why a particular house may be struggling to sell.

Discussion took place regarding:-

- Whether the area on the map earmarked as public open space currently existed? It was explained that the land was public open space provided as part of the Cavanna Homes development.
- Whether there was an existing right of way across the land toward the public open space? It was believed that there was an intention to always provide access. The Ecology and Biodiversity Net Gain reports had also factored in the two metre wider opening of the hedge.
- Would the S106 be used for the benefit of Hemyock or was it for the open space to the north? It was explained that the funds would be an appropriate contribution towards the provision of a public open space within the Parish.

- Whether the Self-Build List was up to date? It was confirmed that it was up to date to a degree. The monitoring data to the 31 October 2026 (the baseline for that is October 2024 to October 2025) was incomplete and there would not be any more data for the numbers of custom and self-build plots permissions until next spring in terms of the amount that was being provided.
- The archaeology on site and whether a surface scrap been carried out? It was believed that two trenches had been dug, and findings had been recorded and reported back to the County Archaeologists.

Although this could not be guaranteed - it was noted that Members wished for £162,000 of Section 106 funds to be earmarked for affordable housing and be given to the Land Trust in order to facilitate affordable housing.

It was **RESOLVED** that planning permission be granted subject to conditions and the prior completion of a S106 agreement which included the right of access for Hemyock Parish Council to the cemetery extension.

(Proposed by Cllr G DuChesne and seconded by Cllr C Harrower)

Notes:-

- (i) Tim Barton spoke as the objector.
- (ii) Darren Summerfield spoke as the applicant.
- (iii) Cllr S Clist spoke as the Ward Member.
- (iv) Cllrs S Clist and L Cruwys voted against the application.

*List and report previously circulated.

18 MAJOR APPLICATIONS WITH NO DECISION (03:23:03)

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

The Committee agreed the following:-

1. 25/01598/MFUL– to remain delegated as per the report.
2. 25/01500/MOUT – to be considered at Planning Committee.
3. 25/01516/MFUL – to remain delegated as per the report
4. 25/01498/MOUT – to be considered at Planning Committee and a site visit to be organised.
5. 25/01495/MOUT – to remain delegated as per the report.

Note: *List previously circulated.

19 **APPEAL DECISIONS (03:31:54)**

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

Note: *List previously circulated.

(The meeting ended at 5.47 pm)

CHAIR