



IN ACCORDANCE WITH THE STATUTORY REQUIREMENTS OF THE [LOCAL GOVERNMENT ACT 1972 SCHEDULE 12 PARAGRAPH 10\(2\)](#) AND THE [PUBLIC BODIES \(ADMISSIONS TO MEETINGS\) ACT SECTION 1\(4\)](#)

Notice is hereby given that an Extraordinary meeting of **Planning and Licensing Committee** will be held at **The Hayridge Centre, Cullompton, EX15 1DJ** on Thursday, **10 July 2025** commencing at **6:00 PM**.

In accordance with the [Public Bodies \(Admission to Meetings\) Act 1960 s1\(1\)](#), members of the public have the right to attend unless a specific decision has been Taken to prohibit them.

**TO THE CHAIR AND COUNCILLORS OF THE PLANNING COMMITTEE**

**You are hereby summoned to attend an Extraordinary meeting of Planning and Licensing Committee**

**Date of Summons: 03 July 2025**

**Date of Meeting: 10 July 2025**

Councillor R Dietrich

Chair of the Planning and Licensing Committee

## **AGENDA**

1. **Apologies for Absences.** Committee to receive apologies for absence and consider the reasons given ([LGA 1972 s85\(1\)](#)).
2. **Declaration of Interest and Dispensations.** When considering the declaration of interests in accordance with [Localism Act 2011](#) and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life – Honesty, Integrity, Selflessness, Objectivity, Accountability, Openness, and Leadership. The Council's Code of Conduct can be [viewed here](#). *This item does not preclude any later declarations as they become apparent.*
3. **Public Question Time.** Members of the public are invited to question the Committee on local issues etc. Questions will be answered by the Chair, or the Town Clerk/RFO. These persons will reserve the right to postpone making an answer until the following meeting to take advice or undertake research. During this time, outstanding answers from previous meetings will be delivered.
4. **Minutes** ([LGA1972 Schedule 12 Paragraph 41](#)). To approve the Minutes of the Ordinary Meeting of Planning and Licensing Committee of 19 June 2025.

5. **Planning Matters.**

- 5.1. [24/01749/PIP](#). Permission in Principle for the erection of up to 9 dwellings at the Car Park, Exeter Hill, Cullompton.

To consider a response to the appeal submitted to the Planning Inspectorate in the matter of the refusal by the Planning Authority to grant permission.

- 5.2. [25/00427/FULL](#). Erection of a dwelling following demolition of existing garage at 18 Honiton Road, Cullompton.

Reference No: 24/01749/PIP  
Parish: Cullompton 21



**MID DEVON DISTRICT COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990  
REGULATION 6 OF TOWN AND COUNTRY PLANNING (BROWNFIELD LAND REGISTER)  
REGULATIONS 2017  
ARTICLE 5G OF THE TOWN AND COUNTRY (PERMISSION IN PRINCIPLE) ORDER 2017**

**REFUSAL PERMISSION IN PRINCIPLE**

**Name and Address of Applicant**

Mr Reg Payne  
Harpitt House  
Harpitt Close  
Willand  
Cullompton  
Devon  
EX15 2RW

**Name and Address of Agent**

Miss Philly Matthew  
XL Planning Ltd  
1A Fore Street  
Cullompton  
EX15 1JW

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Date Registered : 13th December 2024

**Proposal:** Permission in Principle for the erection of up to 9 dwellings  
**Location:** Car Park Exeter Hill Cullompton Devon

**Site Vicinity Grid Ref:** 302027/107124

**MID DEVON DISTRICT COUNCIL HEREBY REFUSES PLANNING PERMISSION  
(PERMISSION IN PRINCIPLE) FOR THE ABOVE DEVELOPMENT**

**Reasons for Refusal:**

1. Insufficient information has been received to justify the partial loss of the car park, which serves as an important community facility, and the settlement would no longer be able to successfully meet its day to day needs as result of the land-use and amount of development proposed. This is contrary to Policy DM23 of the Mid Devon Local Plan (2013-2033).
2. The partial loss of the car park as a result of the proposed land use and amount of development would harm vitality and viability of Cullompton Town Centre contrary to Policies S1, S7 and S14 of the Mid Devon Local Plan 2013-2033 as well as Paragraph 90 of the National Planning Policy Framework.
3. The partial loss of the car park as a result of the land use and amount of development proposed would result in adverse highway safety impacts contrary to Paragraph 116 of the National Planning Policy Framework.

4. The partial loss of the car park as a result of the proposed land use and amount of development, would result in an increase in cars parking on the roads within the Cullompton Conservation Area. It is considered that this would harm the character of the Conservation Area without suitably justified public benefit to offset this harm, contrary to Policy DM25 of the Mid Devon Local Plan 2013-2033, Policy TC01 of the Cullompton Neighbourhood Plan and Paragraph 214 and 215 of the National Planning Policy Framework.

## Statement of Positive Working

In accordance with paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

## DEVELOPMENT PLAN POLICIES

### Mid Devon Local Plan 2013 –2033

S1 - Sustainable development priorities  
S2 - Amount and distribution of development  
S3 - Meeting housing needs  
S7 - Town centres  
S9 - Environment  
S11 - Cullompton  
DM1 - High quality design  
DM3 - Transport and air quality  
DM5 - Parking  
DM14 - Town centre development  
DM23 - Community facilities  
DM25 - Development affecting heritage assets

### Cullompton Neighbourhood Plan 2020 –2033

HS04 - Parking on Housing Schemes  
TC01 - Designated and Non-designated Heritage Assets  
TC02 - Character of the Built Environment  
TC04 - Service Arrangements in the Town Centre

## Relevant Plans

The plans listed below are those which were considered in determining the application:

Plan Type	Reference	Title/Version	Date Received
Proposed	04/B	Ground Floor Plan	20/01/2025
Site Location Plan	01/A		04/12/2024
Block Plan	03/A	Proposed	04/12/2024
Proposed	05/A	First Floor Plan	04/12/2024

Proposed	06/A	Second Floor Plan	04/12/2024
Proposed	07/A	Street (East) Elevation	04/12/2024

**Signed:**



**Mr John Hammond**  
**Interim Development Management Manager**

**Date: 10th March 2025**

**Please refer to notes attached**

**NOTE –Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of

State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/Y1138/W/25/3367513**

#### A. APPELLANT DETAILS

*The name of the person(s) making the appeal must appear as an applicant on the planning application form.*

Name

Address

Preferred contact method Email ☒ Post ☐

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method Email ☒ Post ☐

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA validate and register your application? Yes ☒ No ☐

Did the LPA issue a decision? Yes ☒ No ☐



Date of LPA's decision

10/03/2025

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☐ No



Does the appeal relate to an existing property?

Yes

☒ No



Address

Exeter Hill car park  
Exter Hill  
Cullompton  
EX15 1DJ

Is the appeal site within a Green Belt?

Yes

☐ No



Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

☐ No



#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes

☐ No



Please enter details of the proposed development. This should normally be taken from the planning application form.

Permission In Principle for the erection of a minimum of 7 dwellings and a maximum of 9 dwellings

Does the proposal include demolition of non-listed buildings within a conservation area?

Yes

☐ No



#### F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development. ☒
2. Refused permission to vary or remove a condition(s). ☐
3. Refused prior approval of permitted development rights. ☐
4. Granted planning permission for the development subject to conditions to which you object. ☐
5. Refused approval of the matters reserved under an outline planning permission. ☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above). ☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation. ☐

#### G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

<b>1. Written Representations</b>		<input checked="" type="checkbox"/>
(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>2. Hearing</b>		<input type="checkbox"/>
<b>3. Inquiry</b>		<input type="checkbox"/>

<b>H. FULL STATEMENT OF CASE</b>		
<input checked="" type="checkbox"/> see 'Appeal Documents' section		
Do you have a separate list of appendices to accompany your full statement of case?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Have you made a costs application with this appeal?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>I. (part one) SITE OWNERSHIP CERTIFICATES</b>	
Which certificate applies?	
CERTIFICATE A	
I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;	<input checked="" type="checkbox"/>
CERTIFICATE B	
I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:	<input type="checkbox"/>
CERTIFICATE C and D	
If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.	<input type="checkbox"/>

<b>I. (part two) AGRICULTURAL HOLDINGS</b>	
We need to know whether the appeal site forms part of an agricultural holding.	
(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.	<input checked="" type="checkbox"/>
(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.	<input type="checkbox"/>
(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.	<input type="checkbox"/>

<b>J. SUPPORTING DOCUMENTS</b>	
01. A copy of the original application form sent to the LPA.	<input checked="" type="checkbox"/>
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA	<input type="checkbox"/>

at application stage (if these did not form part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA (if required).



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.



09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.



10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.



11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;



(b) all plans sent at outline application stage;



(c) the original outline planning permission.



12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).



14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.



## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



## L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Ms J Lyle

**Date**

12/06/2025 13:44:59

**Name**

Ms J Lyle

**On behalf of**

Mr R Payne

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

## M. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	APPEAL STATEMENT.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	permission_in_principle.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	24_01749_PIP-Decision_Notice-2116652.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	24_01749_PIP-Site_Location_Plan-2091697.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	24_01749_PIP-Existing_Block_Plan-2091698.pdf
<b>File name:</b>	24_01749_PIP-Proposed_Block_Plan-2091699.pdf
<b>File name:</b>	24_01749_PIP-Ground_Floor_Plan-2091700.pdf
<b>File name:</b>	24_01749_PIP-First_Floor_Plan-2091701.pdf
<b>File name:</b>	24_01749_PIP-Second_Floor_Plan-2091702.pdf
<b>File name:</b>	24_01749_PIP-Street_East_Elevation-2091703.pdf
<b>File name:</b>	24_01749_PIP-Supporting_Statement-2091696.pdf
<b>File name:</b>	24_01749_PIP-_REVISED_20_01_25__Ground_Floor_Plan-2102069.pdf
<b>File name:</b>	24_01749_PIP-_REVISED_20_01_25__Existing_Block_Plan-2102068.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	List of docs submitted (2).docx

**Completed by** MS J LYLE

**Date** 12/06/2025 13:44:59



## **APPELLANT'S STATEMENT OF CASE**

Site at:

Exeter Hill, Cullompton, Devon EX15 1DJ

Permission In Principle for the erection of a minimum of 7 dwellings and a  
maximum of 9 dwellings

Application Reference: 24/01749/PIP

© June 2025

## Introduction

- 1.1. This Appeal is submitted by XL Planning Ltd, on behalf of Mr Payne, following the refusal of Mid Devon District Council (“MDDC” or “the Council”) to refuse permission in principle for residential development of up to 9 dwellings.
- 1.2. The application sought permission for *“Permission in Principle for the erection of a minimum of 7 dwellings and a maximum of 9 dwellings”* (“the Proposal”), at Exeter Hill car park, Cullompton (“the Appeal site”).
- 1.3. This Appeal Statement should be read in conjunction with the submitted application drawings and reports, which accompanied the planning application. These documents should include:
- Application Form
  - Site location plan
  - Existing block plan
  - Proposed block plan
  - Proposed floor plans
  - Supporting Statement
- 1.4. The Appellant requests that this Appeal is dealt with by written representations under S78 of the Town and Country Planning Act 1990 (as amended). This procedure is appropriate for the determination of this Appeal.
- 1.5. The Council’s reasons for refusal are as follows:
1. *“Insufficient information has been received to justify the partial loss of the car park, which serves as an important community facility, and the settlement would no longer be able to successfully meet its day to day needs as result of the land-use and amount of development proposed. This is contrary to Policy DM23 of the Mid Devon Local Plan (2013-2033).”*
  2. *The partial loss of the car park as a result of the proposed land use and amount of development would harm vitality and viability of Cullompton Town Centre contrary to Policies S1, S7 and S14 of the Mid Devon Local Plan 2013-2033 as well as Paragraph 90 of the National Planning Policy Framework.*
  3. *The partial loss of the car park as a result of the land use and amount of development proposed would result in adverse highway safety impacts contrary to Paragraph 116 of the National Planning Policy Framework.*
  4. *The partial loss of the car park as a result of the proposed land use and amount of development, would result in an increase in cars parking on the roads within*

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*the Cullompton Conservation Area. It is considered that this would harm the character of the Conservation Area without suitably justified public benefit to offset this harm, contrary to Policy DM25 of the Mid Devon Local Plan 2013-2033, Policy TC01 of the Cullompton Neighbourhood Plan and Paragraph 214 and 215 of the National Planning Policy Framework.”*

## Main Issues

### 2.1 The main issues are:

- Whether the private car park is a community facility and requires any justification for its redevelopment;
- Whether its redevelopment would have an impact on the vitality and viability of the town centre;
- Whether the partial loss of the car park facilities would have an adverse effect on highway safety; and
- Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.

## Appellant's Case and Amplification of the Grounds for Appeal

### Principal Benefits of the Appeal Proposal

- 3.1 The principal benefit of the Appeal proposal is the delivery of much needed housing, in response to the Government's objective of significantly boosting the supply of homes with a sufficient amount and variety of land coming forward where it is needed.
- 3.2 Policy S2 sets a minimum of 7,860 dwellings to be provided in the local Plan Period and concentrates development at Tiverton, Cullompton and Crediton at a rate of 393 per annum, with the largest proportion of residential development at Cullompton.
- 3.3 The significant number of units delivered is a benefit of substantial (our emphasis) weight. The Council does not have a five-year housing land supply<sup>1</sup>, which currently lies at 4.79 years and this will substantially worsen in July 2025 (Tidcombe Hall appeal suggests 2.9 years shortfall or a 2.1 year supply) when the Local Plan is 5-years old and housing need is calculated using the standard methodology. This will result in a change from 393 dwellings per annum to 572<sup>2</sup>. The parties in the Tidcombe Hall appeal agree that this will have the effect of significantly increasing the level of shortfall.

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<sup>1</sup> <https://www.middevon.gov.uk/media/356977/mid-devon-five-year-housing-land-supply-march-2025.pdf>

<sup>2</sup> <https://www.middevon.gov.uk/media/357087/cd7-2400045mout-socg-final.pdf>



- 3.4 Further, it is agreed that the Council's housing delivery test result is 85% and this results in the requirement to produce an Action Plan that sets out how this under-delivery will be addressed. Given the continuing and lengthening shortfall in the Council's housing land supply, substantial weight can be given to these benefits.
- 3.5 The proposal makes use of brownfield land within the Town Centre, but outside the Primary Shopping Area. There is a wide range of amenities and services within walking distance.
- 3.6 Future residents would support the services and shops in Cullompton. Construction jobs would form part of the short-term benefits as well as increased economic input into the local economy.

### **Summary of Agreed Matters**

- 3.7 The scope of the considerations for Permission in Principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. Therefore, the agreed matters are somewhat limited in scope.
- 3.8 That said, the Planning Officer's Report notes in relation to location and land use that *"The application site is within the settlement boundary of Cullompton and therefore, residential development is generally permissible in this location."* The report makes no comment on the amount of development proposed other than in relation to the number of car parking spaces required to support the development.

### **Matters in dispute**

#### **Whether the private car park is a community facility and requires any justification for its redevelopment**

- 3.9 The Council indicate that the car park *"serves as an important community facility"*. Annex 1 of the Local Plan defines *"community facilities"* as *"Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They include pubs, post offices, shops, village halls, allotments, places of worship and various recreational facilities."*
- 3.10 It should be noted here that this definition is different to an Asset of Community Value. The car park is not an Asset of Community Value which is defined in Annex 1 of the Local Plan as *"A property or place that has been nominated by the local community and included on the Council's list of Assets of Community Value."* The Planning

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Officer's report notes that the Hayridge Centre and the car park were previously listed as Assets of Community Value but this expired in 2022. It is noted that the Hayridge Centre has been relisted on 31<sup>st</sup> March 2025. An application to relist the car park was refused. That refusal notice is attached as Appendix A.

- 3.11 This document notes that the proposed listing of the car park did not meet the legal requirements. The Council's own website notes that this includes *"A building or land is of community value if, in the opinion of the local authority, the current or recent non-ancillary use furthers the social well-being or social interests of the community, and it is realistic to think that there can be continued use which will do so in some, but not necessarily the same, way. Social well-being and social interests can include cultural, recreational and sporting interests but this is not an exhaustive list."*
- 3.12 It therefore follows that if the car park cannot meet this definition, it cannot meet the definition of *"an important community facility"* as noted in the reason for refusal. It is rather unclear from the reason for refusal or the Planning Officer's Report how parking your vehicle in a car park, in itself, can contribute towards health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.
- 3.13 The Council are linking the car park to supporting adjacent and nearby land uses. The Planning Officer's Report notes that *"the car park acts as an important community facility for access to the Hayridge Centre..."* Access to the Hayridge Centre is by other means. The bus stop, cycle parking facilities and pavements all allow *"access to the Hayridge Centre"*. Should the bus stop and the pavements to and from the Centre all be considered important community facilities?
- 3.14 Therefore, the Appellant argues that the car park is not an important community facility as defined by the Council's own definition. The Appellant therefore argues that Policy DM23 is not an appropriate policy to consider the application against. As such, the Appellant is not required to demonstrate the economic viability or explore alternative community uses.
- 3.15 In addition, the car park is not listed as *"an important asset to the local community"* in Policy TC04 of the Cullompton Neighbourhood Plan, which deals with car parking in and servicing in the Town Centre. Here, *"proposals to improve servicing arrangements and/or increase customer parking to business premises in the town centre and thereby reduce congestion on nearby roads will be supported. The St Andrews, Forge Way and Higher Bull Ring car parking areas (as defined on map 6 [sic]) are important assets to the local community and are essential to the functionality of the town centre. Their use for car parking will be safeguarded and their capacity maintained unless it can be demonstrated that they are no longer needed or suitable alternative provision is made."*

T. 01884 38662

## Map 7: Parking Areas referred to in Policy TC04

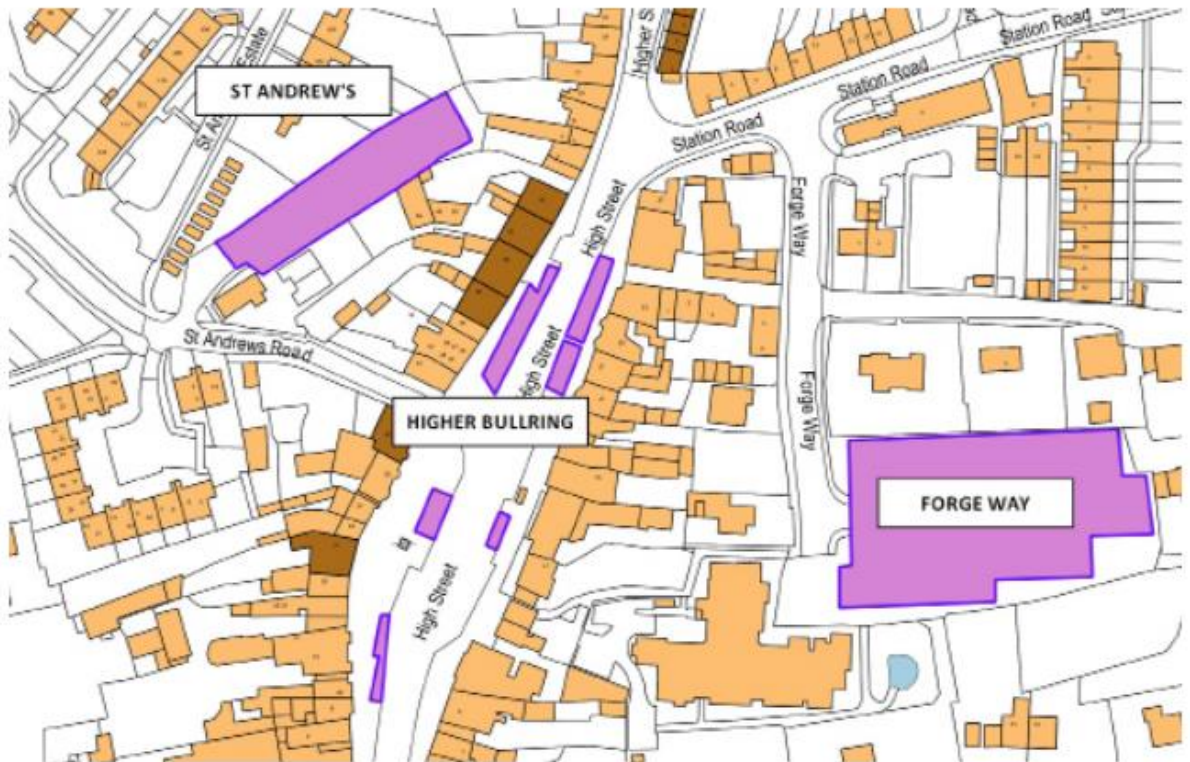


Figure 1: Map 7 (rather than 6) of the Cullompton Neighbourhood Plan which seems to be the plan referred to in Policy TC04

- 3.16 The Appeal site is therefore not protected by Policy TC04 of the Neighbourhood Plan.
- 3.17 Even if the Inspector were to consider that the car park is an important community facility in the terms of Policy DM23, that same policy allows for the loss of a community facility where it does not damage the settlement's ability to meet its day to day needs or result in a total loss of such services to the community.
- 3.18 The Council have not argued that the proposal results in a total loss of parking facilities, but rather that the settlement cannot meet its day to day needs. There is no definition as to what is meant by meeting the day to day needs of the settlement. In relation to parking, the town is not devoid of various parking opportunities.
- 3.19 There are 3 off-street parking areas in Cullompton, including the application site. Forge Way contains some 112 spaces with two disabled and 1 motorcycle parking place. St Andrews has 46 spaces with no specific disabled provision. In addition, there are a number of controlled on-street parking places, 32 of which are time limited (one hour maximum with no return within one hour) with an additional 4 time limited (3 hours with no return within 1 hour), disabled parking spaces in the High Street. Time restrictions

T. 01884 38662



apply from 08:00 to 18:00 Monday to Saturday. A number of time limited (one hour maximum with no return within two hours at Tiverton Road, one hour maximum with no return within one hour at Duke Street/Pound Square), on street parking places. Time restrictions apply from 08:00 to 18:00 Monday to Saturday. These are shown in the figure below.

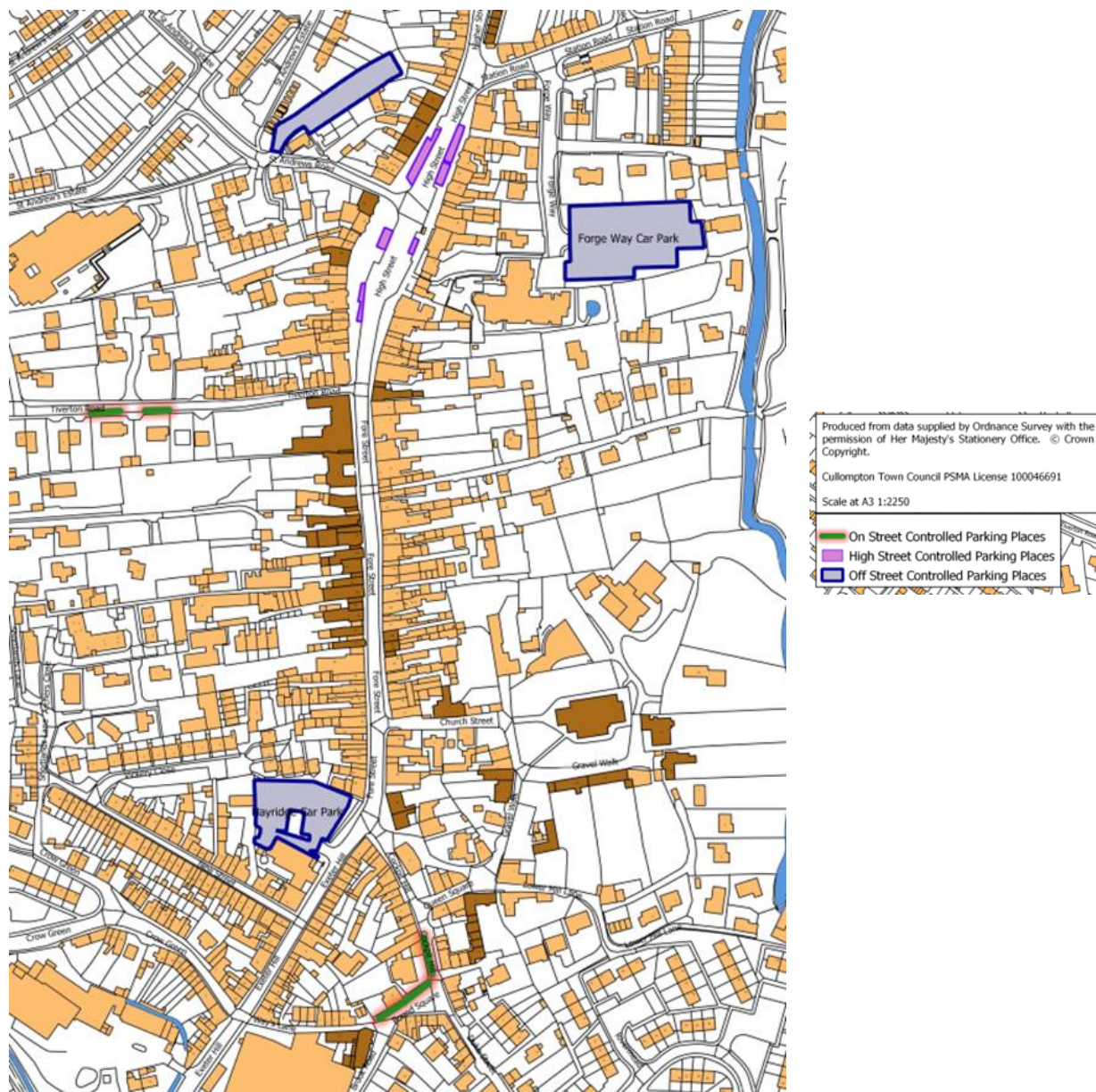


Figure 2: Parking map of Cullompton courtesy of the Town Council

T. 01884 38662

- 3.20 The Inspector should note the disabled parking bays to the rear of the Hayridge Centre itself which should be available for infirm visitors to that facility.
- 3.21 In any case, the proposals do not proposal the absolute loss of this private car park. Indicative plans show that part of the car park could be retained as part of the proposals, retaining a total of some 35 spaces. The parking requirements of the proposed development (minimum of 7 units and a maximum of 9 units) can be accommodated on site with surplus being available for off-street public parking.
- 3.22 Once again, Policy DM23 is not relevant to the proposal as the second paragraph of that Policy governs the loss of a community facility. This is not the case here. In the event that the car park is considered to be a community facility, the proposal does not propose its loss.

### **Vitality and viability**

- 3.23 The Council believe that the loss of some 20 car parking spaces would have a detrimental impact to the Town Centre, citing policy DM14 and paragraph 90 of the NPPF in particular. Section 7 of the Framework seeks to ensure the vitality of town centres and promote their long-term vitality and viability in a way that can respond to rapid changes in retail and leisure industries and allows a suitable mix of uses, including housing (paragraph 90a)). Framework paragraph 90f) also recognises that residential development often plays an important role in ensuring the vitality of centres, and policies can encourage residential development on appropriate sites. Policy DM14 supports residential development in town centres.
- 3.24 Whilst a residential use may have differing activity when compared to a parking use, there would be comings and goings from residents and visitors, and at night after normal shop opening hours there would be lights on and activity that would add to the diversity of uses and vitality of the town centre. The Inspector will note a number of residential properties in traditional buildings along Fore Street and Exeter Hill and their mix amongst the shops and businesses was part of the charm of this historic street in the centre of Cullompton.
- 3.25 The site is not within the defined primary shopping area and therefore does not propose any changes to the shopping function as noted in the second half of the Policy. Further, the proposal does not develop or change the use of “ground floor premises”. The “ground floor” use will still be car parking.
- 3.26 The first half of the Policy notes that the Council will promote sustainable growth and regeneration of Cullompton. This proposal promotes both sustainable growth of residential development within the town and the regeneration of an overland car park.

T. 01884 38662

- 3.27 Residential development will be supported where they:
- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;*
  - b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and*
  - c) Are readily accessible by public transport, walking and cycling."*
- 3.28 There is no historic character to retain on the site. Indeed, the Conservation Area Appraisal notes that the roadside part of the car park is a "key negative area" as shown on the plan below. Indeed, the Conservation Area Appraisal itself notes that "Car park at Hayridge centre being at odds with the built development and character of the conservation area. The Hayridge Centre which at the street is too dominant in the street scene by reason of the elevated eaves height and materials."

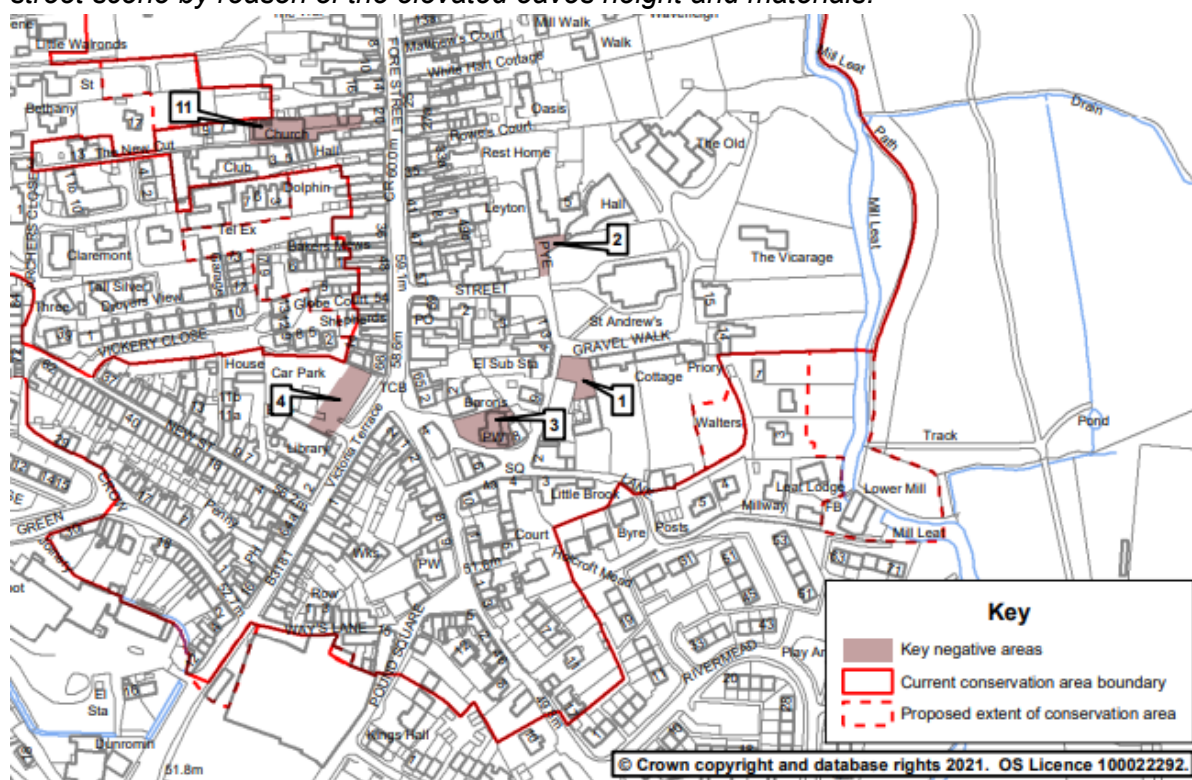


Figure 3: Map 5 from the Council's CA Appraisal

- 3.29 There is no reason why the Technical Details stage of the PiP process could not incorporate design details that would turn this "key negative area" into something that can "retain or enhance the town centre's historic character and appearance" as per Policy DM14a).

T. 01884 38662



- 3.30 The Appellant strongly argues that residential development, where it is not at ground floor within the prime shopping frontage, adds to the vitality and viability of the town centre. There are more parking areas on the southern side of the town centre, within the town centre and to the north of the town centre to facilitate those who wish to or need to drive to the town centre.
- 3.31 In regard to criterion b) of policy DM14, the proposal retains the current use at “ground floor level” and incorporates “...*residential accommodation above ground floor level*”.
- 3.32 The Inspector will note the bus stop outside the site, together with cycle parking facilities at the Hayridge Centre. The town centre is well served by sustainable travel methods and the site itself is “*readily accessible by public transport, walking and cycling*”.

**Effect on highway safety and whether parked cars outside of the site would preserve or enhance the character or appearance of the Conservation Area**

- 3.33 To be clear, the Council are not arguing that the proposed vehicular and pedestrian access to the site is unsafe. Rather, the Council’s case is that “*Whilst it has been demonstrated that a scheme could be designed which retains some of the car park, the level of car parking would be significantly reduced which is expected to result in increased unsafe parking on the surrounding streets. The supporting text within the Neighbourhood Plan sets out that on-street parking is causing safety issues within the town centre and thus seek to limit on-street parking.*”
- 3.34 The Council have submitted no evidence that the loss of some 20 spaces is “*significant*”, particularly when taken in the round with all the other off-street and formal on-street parking in the town. No evidence has been submitted that someone looking for an alternative place to park, who isn’t willing for park in nominated spaces will park in an “*unsafe*” way on the surrounding streets. The Inspector will note the yellow line restrictions on the surrounding streets where parking is not permitted or restricted and enforced by the relevant bodies.
- 3.35 In the same way that the Council imagine that a driver may abandon a vehicle in an unsafe spot on the surrounding streets, might it also be equally possible that a driver frustrated by not finding a parking spot where they want to park would perhaps consider taking the bus to avoid such frustration and car parking charges?
- 3.36 In any case, it is rather unlikely that the loss of some car parking spaces would have a cumulative impact on highway safety as a result of unsafe parking in the surrounding area, certainly not to the point that it is considered severe, the measurement required by the Framework.

T. 01884 38662

- 3.37 It is also important to be clear that the Council are not arguing that the proposed design would have a detrimental effect on the character and appearance of the Conservation Area. Rather, they are arguing that as a result of the above behaviour of frustrated drivers parking on adjoining streets within the Conservation Area, those parked cars will have an adverse effect on the Conservation Area.
- 3.38 Whilst the Appellant finds this argument unfounded, if the Inspector was to give it some weight, it needs to be weighed against the benefits of the proposed development.

## Conclusion

- 4.1 The Council's 'in principle' objection to the residential element of the Appeal proposal is, in the Appellant's view, misguided. There is no proper basis to advance such an objection and, even if there was, the Council have plainly failed to balance that against the many benefits of the Appeal scheme. There are four alternative ways in which the Inspector could find in favour of the proposed development.
- 4.2 Firstly, that the Appeal proposal is in complete compliance with the applicable policies of the MDLP, including policies S1, S7, S14, DM23 and DM25 (i.e. those referred to in reasons for refusal), together with the Neighbourhood Plan Policy TC01. This is the Appellant's primary case.
- 4.3 Secondly, even if there is a breach of policy, and given the importance of the policies with which the Appeal proposal is consistent, there is compliance with the Development Plan as a whole.
- 4.4 Thirdly, even if there is considered to be a breach of the Development Plan, as the Council cannot demonstrate a five-year supply of deliverable housing land national policy would support the grant of planning permission, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is plainly not the case. This is a material consideration which outweighs any breach of the Development Plan.
- 4.5 Fourthly, even if there is considered to be a breach of the Development Plan, and even if (contrary to the Appellant's case) the Council could demonstrate a five-year supply of deliverable housing land, the benefits of the proposal outweigh that breach (even without applying the 'tilted balance').



### **Compliance with the Development Plan**

- 4.6 For the reasons outlined above in section 3, the Appellant does not accept that the Appeal proposal breaches these policies, regardless of whether a 5 year land supply can be demonstrated.

### **Compliance with Development Plan read as a whole**

- 4.7 It is therefore the Appellant's opinion that the Appeal proposal does accord with the Development Plan read as whole (having regard to the legal precedent of the Supreme Court in *Tesco Stores Ltd v Dundee City Council* ([2012] UKSC 13)). This case gives rise to a similar set of circumstances that Lord Reed was referring to when pointing out (at paragraph 19) that:

*"Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another."*

- 4.8 It is also notable that Lord Hope reiterated (at paragraph 34) that it was "untenable" to say that if there was a breach of any one policy in a development plan a proposed development could not be said to be "in accordance with the plan". In his view, in the context of considering whether a proposal is in accordance with the development plan as a whole: *"the relative importance of a given policy to the overall objectives of the development plan was essentially a matter for the judgment of the local planning authority [or, on appeal, for the Secretary of State] and that a legalistic approach to the interpretation of development plan policies was to be avoided."* (para 34) (XL parenthesised words)
- 4.9 Therefore, read as a whole, there is compliance with the DP and permission should be granted applying s.38(6) and NPPF 11(c).

### **Breach of the Development Plan, with a lack of 5YHLS**

- 4.10 If this submission is not accepted, and the Inspector concludes that there is a breach of the Development Plan overall, it is necessary to apply the s.38(6) test and ask whether material considerations in favour of the development justify the grant of permission.
- 4.11 As the Council cannot demonstrate a deliverable 5YHLS, as a matter of national policy planning permission should be granted unless the adverse impacts of the Appeal proposal do not significantly and demonstrably outweigh their benefits (NPPF, para 11(d)).

T. 01884 38662

- 4.12 In this case, as explained above, the benefits of the Appeal proposal are many and varied. Applying the titled balance, the breach of the Development Plan as argued for by the Council comes nowhere near to significantly and demonstrably outweighing the benefits of the Appeal proposal.
- 4.13 Therefore, this is a material consideration which outweighs breach of the Development Plan – applying s.38(6) test.
- 4.14 On this basis, the Appellant respectfully requests that the Appeal should be allowed.

# APPENDIX A

Unsuccessful nomination of the car park

As an

Asset of Community Value

Your Ref:  
Our Ref: 25/00001/ACV

**Mid Devon**  
DISTRICT COUNCIL  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP  
[www.middevon.gov.uk](http://www.middevon.gov.uk)

Mr R B Payne  
Harpitt House  
Willand Old Village  
EX15 2RW

Contact: Pete Whateley  
Telephone: 01884 234252  
Email: [acv@middevon.gov.uk](mailto:acv@middevon.gov.uk)

31<sup>st</sup> March 2025

Dear Mr Payne

**Localism Act 2011 – Community Right to Bid - The Assets of Community Value (England) Regulations 2012**

**Application to List car park, Exeter Hill, Cullompton, as an Asset of Community Value**

An application was made to list the car park, Exeter Hill, Cullompton, as an asset of community value and was received on 5<sup>th</sup> February 2025.

X I confirm that the application has been considered and the responsible officer does not consider the car park, Exeter Hill, Cullompton, to be an asset of community value within the meaning of the Localism Act 2011 and does not intend to include it on the list of community assets. This is because the nominated land does not meet the criteria and there is insufficient evidence to suggest it meets the criteria. The restrictions on the disposal of the land under the Assets of Community Value provisions therefore do not apply. X

The nominating body has been informed of our decision.

I have arranged for the property to be included in the list of unsuccessful community nominations.

Yours sincerely

*Pete Whateley*

Pete Whateley  
Senior Local Land Charges Officer/  
Street Naming and Numbering Officer

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o contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

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