

OTTERY ST MARY TOWN COUNCIL

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10 December 2025

Dear Councillors

I hereby give you notice that the **Planning meeting** of **OTTERY ST MARY TOWN COUNCIL** will be held at **18:30 on Monday, December 15, 2025, at Ottery St. Mary Town Council (8 Broad Street, Ottery St. Mary, Devon, EX11 1BZ).**

All members are hereby summoned to consider the matters detailed on the agenda below.

Yours faithfully

Jane Bushby

Ottery St Mary Town Council Admin

INFORMATION FOR MEMBERS OF THE PUBLIC/PRESS:

The law requires that public access is possible and not restricted, unless in the case of an agreed confidential session.

1. For members of the public/press that wish to speak at the meeting, under public participation, please raise your hand and wait for the Chair to prompt you.
2. For those who have no visual access to the meeting, Members will state their name before speaking and voting.
3. The order of business may be changed by a decision of the Council and by resolution without notice.

Note: Under the Openness of Local Government Bodies Regulations 2014, any members of the public are allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting

Mobile Phones, Pagers and Similar Devices – All persons attending this meeting are required to turn off Mobile Phones, Pagers and Similar Devices. The Chair may approve an exception to this request in special circumstances

Table of contents

15/12/2025 18:30 - 19:30

P/25/12/01 - Apologies for Absence 4

P/25/12/01 - Declarations and Disclosable Pecuniary Interests 4

P/25/12/01 - Admission to Meetings 4

P/25/12/01 - Reports, Correspondence and Items referred to the Committee 4

Attachments

25.0055.TPO Prov 7

25.0809.ful.hn 11

P/25/12/01 - Minutes 4

Attachments

2025-11-11 - Planning meeting - Draft Minutes 13

P/25/12/01 - Planning Decisions Received 4

P/25/12/01 - Public Participation 4

P/25/12/01 - To consider and determine observations on the following Planning Applications: 5

P/25/12/01 - To receive Councillors' questions relating to Planning Matters 6

P/25/12/01 - Date of the next meeting: TBC 6

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AGENDA

P/25/12/01 Apologies for Absence

To receive apologies for absence

P/25/12/02 Declarations and Disclosable Pecuniary Interests

To receive Declarations of interest for items on the Agenda and receipt of requests for new Disclosable Pecuniary Interests (DPIs) dispensations for items on the Agenda

P/25/12/03 Admission to Meetings

In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded

P/25/12/04 Reports, Correspondence and Items referred to the Committee

- 1) Town and Country Planning Act 1990 TREE PRESERVATION ORDER (NO. **25/0055/TPO**) - Land abutting Strawberry Lane, Strawberry Lane, Ottery St Mary
- 2) APPEAL REF: **6002034 - 25/0809/FUL** - 1 Silver Street Ottery St Mary EX11 1DB

P/25/12/05 Minutes

To receive the Minutes of the Planning Meeting of 11th November 2025 and to approve the signing of the Minutes by the Chair as a correct record

P/25/12/06 Planning Decisions Received

<u>25/2215/DOC</u>	Land Adjacent ,Shute Farm, Fluxton	Discharge of condition
<u>25/2000/FUL</u>	3 Bridgefield, Ottery St Mary EX11 1HL	Approved
<u>25/1997/FUL</u>	3 Orchard Close, Ottery St Mary EX11 1HT	Approved
<u>25/2109/TCA</u>	Summercourt, Ridgeway Ottery St Mary Devon EX11 1DT	TPO not required
<u>25/2091/TRE</u>	St Johns Church, Tipton St John	Split decision
<u>25/1328/TRE</u>	St Johns Church, Tipton St John	Approved with conditions
<u>25/2252/CPL</u>	Salston Gate, Ottery St Mary, Devon EX11 1RQ	Withdrawn
<u>25/2199/DBG</u>	Changing rooms, Strawberry Lane ,Ottery St Mary EX11 1RG	Discharge of condition
<u>25/2099/FUL</u>	17 North Street, Ottery St Mary, Devon, Ex11 1DR	Approved with conditions
<u>25/1746/FUL</u>	Crosshills Lodge, Lancercombe ,Sidmouth Devon, EX10 0JX	Approved with condition
<u>25/2193/DOC</u>	Changing Rooms, Strawberry Lane,Salston Ottery St Mary Devon EX11 1RG	Discharge of condition
<u>25/2158/FUL</u>	Rose Cottage, Lancercombe, Sidmouth, EX10 0JX	Approved with condition

P/25/12/07 Public Participation

To assist with the smooth running of the meeting, the Chair will allow members of the public present to submit questions/comments relating to items on the agenda for consideration prior to the application being heard. Individual contributions will be limited to 3 minutes. Where there is a group of objectors or supporters for an application, a spokesperson should be appointed to speak on behalf of the group. The Chair will invite the member of public to speak, after the application has been introduced.

P/25/12/08 To consider and determine observations on the following Planning Applications:

Reference	Applicant	Details
1) 25/2388/TCA	Exeter Reiter (Live West)	OSTM001, Damson : reduce lateral spread over car parking area by 1.5m. OSTM002, Western Red Cedar : Crown lift to 3m over parking area Raleigh House, Mill Street, OSM, EX11 1AF
2) 25/2401/VAR	Mr & Mrs Weeks	Removal of condition 3 (surface water drainage) and variation of condition 2 (approved plans) on planning permission 24/0832/FUL (demolition of existing entrance/garage and construction of new single storey extension on existing footprint. Render on existing brickwork); ground conditions do not allow for soakaways to be installed; proposal to connect the replacement surface water drainage to existing SWW system having obtained their approval; updated floor plans and elevations 10 Higher Ridgeway, OSM, EX11 1TH
3) 25/2402/FUL	Dr Malcolm Hilton	Demolition of existing and construction of replacement single storey rear extension 8 Hayne Park, Tipton St John, EX10 0TA
4) 25/2453/TCA	Mr Jean-Francois Mercure	Plum : remove as diseased with visible fungus infection. Rowan : reduce the height by 3m and thin; at least 2m will remain and in a manageable form. x2 Holly : remove (self set) scrub on the South Eastern boundary to help suppressed Crab Apple. Crab Apple and Hawthorn : reduce in height by 2-3m and shaped to encourage growth. 94 - 96 Yonder Street Ottery St Mary EX11 1HH
5) 25/2426/FUL	Mr James Winchester	Roof terrace on existing single storey flat roofed extension (part retrospective) 4 Coombelake Cottages, Coombelake, Ottery St Mary, EX11 1NG
6) 25/2461/FUL	Mr Martyn Vanstone	Betterment scheme following prior approval granted for change of use of 1no.

			former agricultural building to 1no. dwelling house Stonehill Quarry Lodge Lancercombe Sidmouth EX10 0JX
7)	<u>25/2353/FUL</u>	Whites Land Investments LTD	Demolition of attached single garage and construction of 1 no. dwelling and associated works 28 Slade Close, Ottery St Mary, EX11 1SX

P/25/12/09 To receive Councillors' questions relating to Planning Matters

P/25/12/10 Date of the next meeting: TBC

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (England) REGULATIONS 2012

Town and Country Planning Act 1990 TREE PRESERVATION ORDER (NO. 25/0055/TPO)

East Devon District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order No. 25/0055/TPO, "Land abutting Strawberry Lane, Strawberry Lane, Ottery St Mary", 25th November 2025.

Interpretation

2.— (1) In this Order "the authority" means East Devon District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.— (1) **Subject to article 4**, this Order shall take effect provisionally on 25th November 2025.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

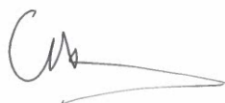
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 25 November 2025

Signed on behalf of East Devon District Council



.....
Authorised by the Council to sign in that behalf

[CONFIRMATION OF ORDER

This Order was confirmed by East Devon District Council without modification on day of

.....
OR

This Order was confirmed by East Devon District Council on day of
subject to the following modification(s):

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by East Devon District Council on day of

.....

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

This Order was varied by East Devon District Council on day of
.....

under the reference number

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

This Order was revoked by East Devon District Council on day of
.....

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

TREE PRESERVATION ORDER NO. 25/0055/TPO

LAND ABUTTING STRAWBERRY LANE, STRAWBERRY LANE, OTTERY ST MARY

REF. ON MAP	DESCRIPTION	SITUATION
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TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

T1	Oak	Centred on grid ref: (E) 308957 (N) 094628
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TREES SPECIFIED BY REFERENCE TO AN AREA

(None)

GROUP OF TREES

(None)

WOODLAND

(None)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, substantially revoke and replace the Town and Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in sections 198(7) and 200(1) of the Town and Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 (c. 69) on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c. 21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the Regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town and Country Planning (Trees) Regulations 1999 (amendment to the Town and Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c. 29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. The assessment may also be accessed at www.communities.gsi.gov.uk.

Date: 2 December 2025
Please contact: Mr R Capon (01395 517521)
E-mail: Planningappeals@eastdevon.gov.uk
Our Reference: **25/0809/FUL**



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Heathpark Industrial Estate
Honiton
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EX14 1EJ

DX48808 Honiton
Tel: 01395 516551
www.eastdevon.gov.uk

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Lawrence Arnold

APPEAL REF: 6002034

PROPOSAL: Change of use from office/retail (class E) to 2no. new dwellings (class C3) on the 1st and 2nd floor including self-contained stairwell

LOCATION: 1 Silver Street Ottery St Mary EX11 1DB

I refer to the above details. An appeal has been made to the Secretary of State against the failure of the East Devon District Council to determine the application within the statutory time limit.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal. **If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk>.**

If you do not have access to the internet, please send your comments to the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN.

All representations must be received by 5 January 2026. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.** Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

You can view the appeal documents for this application on our website:
www.eastdevon.gov.uk.

You can get a copy of one of the Planning Inspectorate's 'Guide to taking part in planning appeals' booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from the Council on request.

When made, the decision will be published online at <http://acp.planninginspectorate.gov.uk>

Yours faithfully

R Capon

**Senior Technical Officer
Development Management**



Ottery St Mary Town Council

Minutes of the ORDINARY MEETING OF Planning meeting held on **Tuesday 11 November 2025** at **18:30**. The meeting was held in the **Ottery St. Mary Town Council (8 Broad Street, Ottery St. Mary, Devon EX11 1BZ)**

Present: Cllrs Richard Copus (Deputy Chair), Janice Aherne and Sarah Martin

In Attendance: Cllr Robyn Bennett, EDDC Cllr Peter Faithfull (and member of the Town Council), Kerry Kennell (Town Clerk) and 14 members of the public

Minute Taker: Kerry Kennell, Town Clerk

P/25/11/01 APOLOGIES FOR ABSENCE

To receive apologies for absence

Apologies were noted from the Mayor, Cllr Grainger (Chair) and Jane Bushby, Administrator.

P/25/11/02 DECLARATIONS AND DISCLOSABLE PECUNIARY INTERESTS

To receive Declarations of interest for items on the Agenda and receipt of requests for new Disclosable Pecuniary Interests (DPIs) dispensations for items on the Agenda

Cllr Copus	No interests declared.
Cllr Aherne	No interests declared.
Cllr Martin	No interests declared.

P/25/11/03 ADMISSION TO MEETINGS

In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded

There were none.

P/25/11/04 REPORTS, CORRESPONDENCE AND ITEMS REFERRED TO THE COMMITTEE

- 1) Appeal Ref: APP/U1105/W/25/3369603 Land at Slade Farm, Slade Road, Ottery St Mary - Appeal allowed
- 2) Appeal Ref: 6001237 PROPOSAL: Land Opposite Cadhay Barton Cadhay Ottery St Mary
- 3) Appeal Ref: APP/U1105/W/25/3364929 Land adjacent to Upper Spilsby, Exeter Road, Ottery St Mary EX11 1LE - Appeal allowed
- 4) Costs application in relation to Appeal Ref: APP/U1105/W/25/3364929 - refused

P/25/11/05 MINUTES

Chair's initials _____

To receive the Minutes of the Planning Meeting of the Town Council of 21st October 2025 and to approve the signing of the Minutes by the Chair as a correct record

P/25/11/06 PLANNING DECISIONS RECEIVED

25/1847/FUL	12A Kings Avenue Ottery St Mary Devon EX11 1TA	Approved with conditions
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P/25/11/07 PUBLIC PARTICIPATION

To assist with the smooth running of the meeting, the Chair will allow members of the public present to submit questions/comments relating to items on the agenda for consideration prior to the application being heard. Individual contributions will be limited to 3 minutes. Where there is a group of objectors or supporters for an application, a spokesperson should be appointed to speak on behalf of the group. The Chair will invite the member of public to speak, after the application has been introduced.

P/25/11/08 TO CONSIDER AND DETERMINE OBSERVATIONS ON THE FOLLOWING PLANNING APPLICATIONS:

Reference	Applicant	Details
6) 25/2154/CPE	M J & R P Nancekivell	Certificate of existing lawfulness to confirm material start to planning permission 22/2667/FUL Land South of Gerway Farm, OSM, EX11 1PN
<p>The Town Council does not support the application for a Certificate of Existing Lawfulness to confirm a material start to planning permission 22/2667/FUL for the following reasons:</p> <ul style="list-style-type: none"> • No substantive work has occurred on the land apart from pegging out. • There has been no level control, no apparent intention to commence, and no development on the site. • Pegging out does not constitute commencement of development and is not supported by any evidence. • Material operations, as defined, include significant physical works such as construction or laying foundations. None of these have taken place. • There is no evidence of intention to carry out the approved works, nor any supporting documentation. 		
1) 25/2099/FUL	Ms Della Waterfield	Construction of single storey infill extension (renewal of 21/0192/FUL 17 North Street, OSM, EX11 1DR
The Council support the application.		
2) 25/2091/TRE	Mr Malcolm Hamilton	Oak: reduction of lower southern aspect branches by 4-5m and a reduction of lower eastern branches by 2-3m. At a height of up to 12m, on the eastern aspect, prune back by 2-3m leaving clearance from the church roof line. St Johns Church, TSJ
The Council support that pruning is carried out subject to receipt of an arboriculturist report.		

Chair's initials _____

3)	25/2100/FUL	Mr Hugo & Mrs Carron Headon	Conversion of former chapel to dwelling, including change of use. Yonder Street Hall, Yonder Street, OSM, EX11 1HH
The Council support the application and note that the outside will not be changed but would like to see wooden not upvc windows on the front elevation as the building is a significant period property and in the Conservation Area which we are trying to improve steadily. The Council recognise that there isn't the demand for another religious building in OSM.			
4)	25/2043/FUL	Mr Mark & Mrs Jude Essame	Proposed new vehicular entrance Selah, Gosford Road, OSM, EX11 1NU
The Council support the application subject to highways approval of the new accessway onto the carriageway.			
5)	25/2158/FUL	Mr & Mrs Baxter	Demolition of existing lean-to extension. Erection of: single storey extension; enclosed front porch; glazed veranda canopy. Changes to fenestration, and conversion of garage into garden room Rose Cottage, Lancercombe, EX10 0JX
The Council support the application and would like to see provision for rain water harvesting i.e. installation of a water butt.			

P/25/11/00 TO RECEIVE COUNCILLORS' QUESTIONS RELATING TO PLANNING MATTERS

There were none.

P/25/11/10 DATE OF THE NEXT MEETING: TBC

Meeting concluded at 19:20

Chair's initials _____