

## Agenda for Planning Committee Wednesday, 9th September, 2020, 10.00 am



### Members of Planning Committee

Councillors E Wragg (Chairman), S Chamberlain (Vice-Chairman), K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, K McLauchlan, G Pook, G Pratt, P Skinner, J Whibley and T Woodward

East Devon District Council  
Border House  
Heathpark Industrial Park  
Honiton  
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

**Venue:** Online via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link.

**Contact:** Wendy Harris, Democratic Services Officer  
01395 517542; email  
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Friday, 28 August 2020

**Important - this meeting will be conducted online and recorded by Zoom only.  
Please do not attend Blackdown House.**

**Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at  
<https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

### Speaking on planning applications

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Tuesday 1 September 2020 up until 12 noon on Friday 4 September 2020 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

**1 Speakers' list and revised running order for the applications** (Pages 4 - 5)

The revised running order for the applications and speakers' list.

**2 Minutes of the previous meeting** (Pages 6 - 9)

Minutes of the Planning Committee held on 29 July 2020.

**3 Apologies**

**4 Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

**5 Matters of urgency**

Information on [matters of urgency](#) is available online

**6 Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

**7 Planning appeal statistics** (Pages 10 - 25)

Update from the Development Manager

**Applications for Determination**

**Please note that the following applications are all scheduled to be considered but the order may change.** Please see the front of the agenda for when the revised order will be published.

**PLEASE NOTE - THERE WILL BE A 15 MINUTES BREAK AROUND MIDDAY**

- 8     **20/1482/FUL and 20/1483/LBC (Other) - COLY VALLEY** (Pages 26 - 35)  
3 Sunnyside, South Street, Colyton EX24 6EP
- 9     **20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD** (Pages 36 - 47)  
Court Hall, Monkton, Honiton EX14 9QH
- 10    **20/0842/FUL (Minor) - EXMOUTH LITTLEHAM** (Pages 48 - 63)  
Land adjacent to The Meetings, Maer Lane, Exmouth EX8 5DD
- 11    **20/0652/FUL (Minor) - SIDMOUTH TOWN** (Pages 64 - 74)  
6 Willoughby House, Peak Hill Road, Sidmouth EX10 0NW
- 12    **20/0228/FUL (Minor) - WEST HILL AND AYLESBEARE** (Pages 75 - 95)  
Barns at Barton Farm, Village Way, Aylesbeare

**Please note:**

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Online via the zoom app on 29 July 2020**

#### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.50 pm. The meeting adjourned at 12.00pm and reconvened at 12.15pm.

#### **137 Minutes of the previous meeting**

The minutes of the Planning Committee held on 22 July 2020 were confirmed as a true record.

#### **138 Declarations of interest**

Minute 140. 19/2834/OUT & 20/0482/RES (Minor) - WEST HILL & AYLESBEARE.  
Councillor Geoff Pratt, Personal, Member of Ottery St Mary and West Hill Neighbourhood Plan Working Group.

Minute 141. 19/2724/FUL (Minor) - BROADCLYST.  
Councillor Eileen Wragg, Personal, Had attended a site visit in her capacity of former Devon County Councillor whilst a member of the Development Management Committee.

Minute 144. 19/2832/MFUL (Major) - WEST HILL & AYLESBEARE.  
Councillor Jess Bailey, Personal, Known to the public speaker objecting against the application.

#### **139 Annual Appeals Report**

The Development Manager advised Members the Council had received 52 appeals decisions from 1 April 2019 to 31 March 2020 with 39 appeals dismissed and 13 allowed. Members noted that the majority of appeals had been determined by written representations including 1 Informal Hearing and 1 Inquiry.

The Development Manager was pleased to report the council had received a 75% success rate which was greater than the national average

The Development Manager also reported there were no particular trends for Members to note but emphasised it was becoming more difficult to refuse house extensions if there was anything less than great adverse harm.

The Development Manager updated Members on the cost implications and referred to 6 applications for full awards of appeals costs. Members noted 5 applications had been refused and their attention was drawn to the one award for costs which related to King Alfred Way, Newton Poppleford. The Inspectorate had awarded costs against the council in the region of £5,000.

In response Councillor Key advised Members to consider the advice from existing experienced members. Councillor Pook advised Members that although Members should be mindful of Officer recommendations Members should not be afraid to refuse applications.

140 **19/2834/OUT & 20/0482/RES (Minor) - WEST HILL & AYLESBEARE**

**Applicant:**

Mr E Flowers.

**Location:**

Hasta La Vista, Windmill Lane, West Hill, Ottery St Mary, EX11 1JP.

**Proposal:**

(19/2834/OUT) Outline application for the construction of a single dwelling house with all matters reserved.

(20/0482/RES) Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for the construction of a new dwelling house pursuant to outline planning permission 16/2517/OUT.

**RESOLVED:**

(19/2834/OUT) Approved as per Officer recommendation.

(20/0482/RES) Approved as per Officer recommendation.

141 **19/2724/FUL (Minor) - BROADCLYST**

**Applicant:**

Mr Neil Thomas (RMD Kwikform Ltd.)

**Location:**

Land East Of Hill Barton Business Park, Farringdon.

**Proposal:**

Change of use from landfill to a storage yard for the hire and sale of construction material (B8 storage and distribution), incorporating the construction of a warehouse and single storey office building (retrospective application).

**RESOLVED:**

Approved as per Officer recommendation.

142 **20/0393/OUT (Minor) - SIDMOUTH SIDFORD**

**Applicant:**

Mrs Hayman, Mrs Greenslade and Mr Churchill.

**Location:**

Land North Of Manstone Avenue, Sidmouth.

**Proposal:**

Construction of 7 dwellings (outline application with all matters reserved).

**RESOLVED:**

Approved as per Officer recommendation.

143 **20/0550/MOUT (Major) - TALE VALE**

**Applicant:**

Mr R Leach.

**Location:**

Slade Barton, Payhembury, Honiton, EX14 3HR.

**Proposal:**

Outline planning application with all matters reserved for redevelopment of the existing farmyard and business units to provide: up to 9 dwellings, 480 sq. metres B1(a) and B2 floor space and farm office, meeting room, workshop and garage; village car park and parking for existing dwellings; and associated infrastructure.

**RESOLVED:**

Approved contrary to Officer recommendation subject to S.106 agreement to secure a financial contribution towards off-site affordable housing and subject to conditions. Conditions delegated to the Development Manager in consultation with the Ward Member.

Members considered that the benefits from the proposal in terms of the employment benefits, provision of local housing, tidying up a key site in the centre of the village, provision of car park and financial contribution towards affordable housing outweighed any harm from the proposal and lack of planning policy support to the development in principle.

144 **19/2832/MFUL (Major) - WEST HILL & AYLESBEARE**

**Applicant:**

Mr H House (Spring Che Ltd.)

**Location:**

Land To The South Of Rockbeare Hill, Marsh Green.

**Proposal:**

Proposed solar farm with an approximate design capacity of 15 MW with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment.

**RESOLVED:**

Approved as per Officer recommendation.

**Attendance List**

**Councillors present (for some or all the meeting):**

E Wragg (Chairman)

S Chamberlain (Vice-Chairman)

C Brown

O Davey

S Gazzard

D Key

G Pratt

B De Saram

G Pook

P Skinner



J Whibley  
A Colman  
T Woodward

**Councillors also present (for some or all the meeting)**

J Bailey

**Officers in attendance:**

Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Wendy Harris, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

M Howe  
K McLauchlan  
K Bloxham

Chairman .....

Date: .....

**Ref:** 20/0595/FUL **Date Received** 06.07.2020  
**Appellant:** Mr John Lomax  
**Appeal Site:** Water tower At Mount Pleasant Exmouth Road Aylesbeare  
**Proposal:** Provision of additional secure storage space adjacent and within structure  
**Planning Inspectorate Ref:** APP/U1105/W/20/3255514

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**Ref:** 19/2828/PDQ **Date Received** 13.07.2020  
**Appellant:** Mr Karl Mooney  
**Appeal Site:** Barn South Of Rull Barton Rull Lane Whimble  
**Proposal:** Prior approval for proposed change of use of agricultural building to 1 no. smaller dwelling house (class C3 use) under class Q(a)  
**Planning Inspectorate Ref:** APP/U1105/W/20/3255904

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**Ref:** 19/2667/FUL **Date Received** 22.07.2020  
**Appellant:** Mr Matthew Knight  
**Appeal Site:** Land Adjacent 6 The Chase Honiton  
**Proposal:** Construction of 1 no. dwelling (resubmission of application ref. 19/0754/FUL)  
**Planning Inspectorate Ref:** APP/U1105/W/20/3256468

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**Ref:** 20/0611/FUL **Date Received** 24.07.2020  
**Appellant:** Mr P & Mrs B Keeling  
**Appeal Site:** Donnithornes Mill Street Ottery St Mary EX11 1AF  
**Proposal:** Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate  
**Planning Inspectorate Ref:** APP/U1105/D/20/3256604

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**Ref:** 20/0437/LBC **Date Received** 24.07.2020  
**Appellant:** Mr Paul Keeling  
**Appeal Site:** The Donnithornes Mill Street Ottery St Mary EX11 1AF  
**Proposal:** Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate  
**Planning Inspectorate Ref:** APP/U1105/Y/20/3256621

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**Ref:** 20/0833/FUL **Date Received** 22.08.2020  
**Appellant:** Mr N M Eyres  
**Appeal Site:** 26 & 26A Mill Street Ottery St Mary EX11 1AD  
**Proposal:** Sub-division of existing vacant retail shop unit (26), new internal staircase to modified flat unit (26A) and alterations to existing shop front. Part retrospective.  
**Planning** APP/U1105/W/20/3258150  
**Inspectorate Ref:**

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**EAST DEVON DISTRICT COUNCIL  
LIST OF PLANNING APPEALS DECIDED**

**Ref:** 19/1525/FUL      **Appeal Ref:** 20/00014/REF

**Appellant:** Mr & Mrs Eade

**Appeal Site:** Pendor Exmouth Road Colaton Raleigh Sidmouth EX10 0HJ

**Proposal:** New dwelling in the rear garden.

**Decision:** **Appeal Allowed (with conditions)**      **Date:** 08.07.2020

**Procedure:** Written representations

**Remarks:** Officer recommendation to refuse, Committee refusal. Countryside protection, sustainability, flooding and conservation reasons overruled (EDLP Strategy 7 and Policies D1, EN9, EN21 & TC2).

The Inspector acknowledged that Colaton Raleigh does not have a defined built-up area and, as such, the site falls within the countryside and the proposal does not accord with Local Plan Strategy 7.

Whilst Colaton Raleigh has a shop, pub, and village hall, the Inspector considered that residents here are likely to travel elsewhere on a relatively regular basis to access other day-to-day facilities, such as education, or for a wider choice of retail, and some of those trips would be by private vehicle, resulting in associated emissions. However, he considered that the implications of a new dwelling in this specific location would be negligible with regard to accessibility, as the site is central to the village, close to the local services and a bus stop.

Having regard to the impact on the nearby heritage asset, the Inspector considered that the proposed development would have a neutral effect, thereby preserving the listed building and its setting.

With regard to access to and from the site during times of flooding, the Inspector has imposed a condition requiring the submission and approval of a scheme, prior to the occupation of the proposed dwelling to enable safe pedestrian access and egress via 'Pendor'.

The Inspector concluded that whilst the proposal did not benefit from the support of Strategy 7, the location of the site performed well against Policy TC2 in terms of accessibility and, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, the appeal should be allowed.

**BVPI 204:** Yes

**Planning Ref:** APP/U1105/W/20/3248042

**Inspectorate**

**Ref:** 19/1962/LBC **Appeal Ref:** 19/00080/LBCREF  
**Appellant:** Mrs Carol Gay  
**Appeal Site:** Fiddles Reach Preston Farm Upottery Honiton EX14 9PF  
**Proposal:** Infill of covered patio area to provide ground floor bedroom including insertion of doorway; construction of porch and 2no. dormers; construction of external wall  
**Decision:** **Appeal Allowed** **Date:** 24.07.2020  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons overruled (EDLP Policy EN9).

The Inspector considered that the special interest of the listed building lies primarily in the authenticity of its traditional materials and construction, along with its value in representing the evolution of the former historic farmstead.

He concluded that he proposed works would inevitably result in some change, however, by virtue of alterations over time, the listed building now has a complex form and domestic character diverging from its functional origins. In that context, and on account of the modest extent of the proposed works, the scheme would be of such limited consequence so as to have a neutral effect and the proposal would therefore preserve the special architectural and historic interest of the building.

**BVPI 204:** **No**  
**Planning** APP/U1105/Y/19/3243521  
**Inspectorate Ref:**

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**Ref:** 19/2671/LBC **Appeal Ref:** 20/00011/LBCREF  
**Appellant:** Mr & Mrs Petersen  
**Appeal Site:** The Barn Yettington Budleigh Salterton EX9 7BP  
**Proposal:** Demolition of existing blockwork timber garage and construction of replacement two storey extension with new windows, doors and 2 no. rooflights; removal of lean-to conservatory and construction of replacement single storey extension; installation of 1 no window at first floor level on east elevation and internal alterations  
**Decision:** **Appeal Dismissed** **Date:** 24.07.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons upheld (EDLP Policy EN9).  
**BVPI 204:** **No**  
**Planning** APP/U1105/Y/20/3247867  
**Inspectorate Ref:**

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**Ref:** 19/2670/FUL **Appeal Ref:** 20/00012/HH  
**Appellant:** Mr & Mrs Petersen  
**Appeal Site:** The Barn Yettington Budleigh Salterton EX9 7BP  
**Proposal:** Demolition of existing blockwork timber garage and construction of replacement two storey extension; demolition of lean-to conservatory and construction of replacement single storey extension; insertion of first floor window in the east elevation  
**Decision:** **Appeal Dismissed** **Date:** 24.07.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons upheld (EDLP Policy EN9).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3247868  
**Inspectorate Ref:**

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**Ref:** 19/0822/CPL **Appeal Ref:** 20/00004/LDC  
**Appellant:** Mrs L Sweetland  
**Appeal Site:** Land At Rear Of Chestnut House Bunts Lane Seaton  
**Proposal:** Certificate of Lawful development for proposed development for the construction of dwelling without complying with condition 3 of approval of reserved matters granted under application 15/1949/RES  
**Decision:** **Appeal Dismissed** **Date:** 03.08.2020  
**Procedure:** Written representations  
**Remarks:** The Inspector concluded that the Council's refusal to grant a lawful development certificate was well founded.  
**BVPI 204:** **No**  
**Planning** APP/U1105/X/20/3245342  
**Inspectorate Ref:**

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**Ref:** 19/F0077 **Appeal Ref:** 19/00063/ENFAPP  
**Appellant:** John Howard Lomax  
**Appeal Site:** The Workshop Longmeadow Road Lymptone Exmouth EX8 5LF  
**Proposal:** Appeal against the serving of enforcement notice in respect of the unauthorised installation of a sewage treatment plant  
**Decision:** **Appeal Dismissed** **Date:** 10.08.2020  
**Procedure:** Written representations  
**Remarks:** Enforcement notice varied and upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/19/3234097  
**Inspectorate Ref:**

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**Ref:** 19/1557/CPL      **Appeal Ref:** 19/00067/LDC  
**Appellant:** Mr John Lomax  
**Appeal Site:** The Workshop Longmeadow Road Lymptone Exmouth EX8 5LF  
**Proposal:** Certificate of lawfulness for the provision of a porous hard surface to be used for any purpose incidental to the enjoyment of The Workshop, Longmeadow Road, Lymptone as a dwellinghouse.  
**Decision:** **Appeal Dismissed**      **Date:** 10.08.2020  
**Procedure:** Written representations  
**Remarks:** The Inspector agreed that the hard surface is not within the curtilage of the dwelling and consequently the development does not benefit from permitted development rights granted by the GPDO. It is therefore in breach of planning control and thus unlawful.  
**BVPI 204:** **No**  
**Planning** APP/U1105/X/19/3238290  
**Inspectorate Ref:**

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**Ref:** 20/0321/ADV      **Appeal Ref:** 20/00024/ADVREF  
**Appellant:** Mr Andrew Kitchener  
**Appeal Site:** Newcourt Barton Clyst Road Topsham Exeter EX3 0DB  
**Proposal:** Display of 2 no. freestanding advertisement signs.  
**Decision:** **Appeal Dismissed**      **Date:** 10.08.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D4).  
**BVPI 204:** **No**  
**Planning** APP/U1105/Z/20/3250237  
**Inspectorate Ref:**

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**Ref:** 19/2730/FUL      **Appeal Ref:** 20/00027/HH  
**Appellant:** Mr Malcolm Lee  
**Appeal Site:** 14 Linhay Close Honiton EX14 2BJ  
**Proposal:** Construction of raised roof ridge and dormer window to rear to allow loft conversion.  
**Decision:** **Appeal Withdrawn**      **Date:** 14.08.2020  
**Procedure:**  
**Remarks:**  
**BVPI 204:** **No**  
**Planning** APP/U1105/D/20/3250493  
**Inspectorate Ref:**

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**Ref:** 18/F0050      **Appeal Ref:** 19/00048/ENFAPP  
**Appellant:** FWSC (Ladram) Ltd.  
**Appeal Site:** Ladram Bay Holiday Park Ladram Bay Otterton Budleigh Salterton EX9 7BX  
**Proposal:** Appeal against the serving of an enforcement notice in respect of the unauthorised construction of a raised platform.  
**Decision:** **Appeal Dismissed**      **Date:** 17.08.2020  
**Procedure:** Written representations  
**Remarks:** Enforcement notice varied and upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/19/3234227  
**Inspectorate Ref:**

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**Ref:** 19/2818/FUL **Appeal Ref:** 20/00032/REF  
**Appellant:** Mrs Ruth Jones  
**Appeal Site:** 10 Fairfield Close Exmouth EX8 2BN  
**Proposal:** Construction of detached dwelling  
**Decision:** **Appeal Dismissed** **Date:** 17.08.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1 & Strategy 6 and Exmouth NP Policy EB2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3251738  
**Inspectorate Ref:**

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**Ref:** 19/2233/FUL **Appeal Ref:** 20/00022/REF  
**Appellant:** Mrs A Broadhurst  
**Appeal Site:** Coldharbour Farm East Hill Ottery St Mary EX11 1QL  
**Proposal:** Change of use of barn to dwelling  
**Decision:** **Appeal Allowed** **Date:** 18.08.2020  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and sustainability reasons overruled (EDLP Strategies 7 & 27 and Policies D8 & TC2).  
The Inspector commented that the site is adjacent to a farm shop which gives easy access to day to day food shopping and is also within walking distance of Ottertots nursery. Furthermore, the site is located within walking or cycling distance of those services and facilities which are located at the edge of Ottery St Mary such as the primary school and wider public transport links.  
  
The Inspector concluded that whilst the location of the appeal site may result in some reliance on private vehicular use, outside of daylight hours, during inclement weather and for access to healthcare facilities, by reason of the level of services which are located adjacent to the appeal site and which are located within walkable or cyclable distances, he did not find that the appeal scheme would substantively add to the need to travel by car within the area.  
  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3249590  
**Inspectorate Ref:**

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**Ref:** 19/2093/OUT **Appeal Ref:** 20/00023/REF  
**Appellant:** Mr & Mrs C Mathews  
**Appeal Site:** Tolcarne Cooks Lane Axminster EX13 5SQ  
**Proposal:** Outline planning application for the erection of a dwelling (all matters reserved)  
**Decision:** **Appeal Dismissed** **Date:** 18.08.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and sustainability reasons upheld (EDLP Strategy 7 & Policy TC2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3249964  
**Inspectorate Ref:**

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**Ref:** 19/2689/VAR **Appeal Ref:** 20/00015/HH  
**Appellant:** G Russell  
**Appeal Site:** The Old Post Office Luppitt Honiton EX14 4RT  
**Proposal:** Removal of condition 3 of planning permission 19/1406/FUL to allow retention of window within the rear extension facing to the south east.  
**Decision:** **Appeal Dismissed** **Date:** 21.08.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/20/3249068  
**Inspectorate Ref:**

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**Ref:** 19/2681/FUL **Appeal Ref:** 20/00021/REF  
**Appellant:** Mr & Mrs Creese  
**Appeal Site:** Garage At Land West Of 1 Lower Dean Branscombe Seaton EX12 3BB  
**Proposal:** Application to convert an existing garage into a two bedroom dwelling.  
**Decision:** **Appeal Dismissed** **Date:** 24.08.2020  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, Countryside protection, sustainability, conservation and landscape reasons upheld (EDLP Strategies 5B, 7 & 46 and Policies D8, EN9 & TC2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3249380  
**Inspectorate Ref:**

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## East Devon District Council

### List of Appeals in Progress

**App.No:** 18/2173/VAR  
**Appeal Ref:** APP/U1105/W/19/3234261  
**Appellant:** Mr David Manley  
**Address:** Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF  
**Proposal;** Variation of conditions 2,5,7 and 10 of planning permission 17/0650/VAR to allow increase annual tonnage of crop input from 26,537 to 66,000 tonnes and increase annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes and vary wording of Odour Management Plan  
**Start Date:** 20 August 2019  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 27 August 2019  
**Statement Due Date:** 24 September 2019

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**App.No:** 19/0078/FUL  
**Appeal Ref:** APP/U1105/W/19/3242773  
**Appellant:** Mr & Mrs Raggio  
**Address:** Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU  
**Proposal;** Demolition of former cottage and construction of new dwelling.  
**Start Date:** 8 January 2020  
**Procedure:**  
**Hearing**  
**Questionnaire Due Date:** 15 January 2020  
**Statement Due Date:** 12 February 2020  
**Hearing Date:** To be arranged

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**App.No:** 19/1787/CPE  
**Appeal Ref:** APP/U1105/X/20/3244399  
**Appellant:** Mr Derek Branker  
**Address:** Site Of Spillers Cottage Shute  
**Proposal;** The excavation, laying out and back filling of an inspection chamber and associated pipework ready to connect to a new septic tank for the foul sewage system of the new house granted permission reference 7/87/91/P0654/00119 on 24 June 1991 and validly implementing that the permission so that it remains extant  
**Start Date:** 14 May 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 28 May 2020  
**Statement Due Date:** 25 June 2020

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**App.No:** 19/F0054  
**Appeal Ref:** APP/U1105/C/20/3249830  
**Appellant:** Maximum Fun Devon Limited  
**Address:** Land west of Crealy Meadows, Clyst St Mary  
**Proposal;** Appeal against the serving of an Enforcement Notice in respect of the unauthorised change of use of the land from agricultural use to use for the siting of 12 mobile homes for residential purposes.  
**Start Date:** 9 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 23 June 2020  
**Statement Due Date:** 21 July 2020

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**App.No:** 19/1299/FUL  
**Appeal Ref:** APP/U1105/W/20/3249070  
**Appellant:** Donna Delamain  
**Address:** Hill View Nursery Dunkeswell Honiton EX14 4SZ  
**Proposal;** Change of use and extension of storage building to form a live-work unit  
**Start Date:** 11 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 June 2020  
**Statement Due Date:** 23 July 2020

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**App.No:** 16/M0001  
**Appeal Ref:** APP/U1105/C/20/3249072  
**Appellant:** Donna Delamain  
**Address:** Hill View Nursery Dunkeswell Honiton EX14 4SZ  
**Proposal;** Appeal against the serving of an enforcement notice in respect of the siting of a mobile home  
**Start Date:** 11 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 June 2020  
**Statement Due Date:** 23 July 2020

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**App.No:** 18/F0352  
**Appeal Ref:** APP/U1105/C/20/3250290  
**Appellant:** Peter James Tracey  
**Address:** Titford Hold, Awliscombe  
**Proposal;** Appeal against the serving of an enforcement notice in respect of engineering works and associated change of use of the land from agricultural to residential curtilage  
**Start Date:** 11 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 June 2020  
**Statement Due Date:** 23 July 2020

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**App.No:** 19/2348/FUL  
**Appeal Ref:** APP/U1105/W/20/3248907  
**Appellant:** Mr & Mrs B White  
**Address:** 13-15 High Street Honiton EX14 1PR  
**Proposal;** Erection of 2 no. dwellings in rear garden.  
**Start Date:** 15 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 22 June 2020  
**Statement Due Date:** 20 July 2020

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**App.No:** 18/2445/FUL  
**Appeal Ref:** APP/U1105/W/20/3248692  
**Appellant:** Mr & Mrs D & A Huish  
**Address:** Ellergarth Dalditch Lane Budleigh Salterton EX9 7AH  
**Proposal;** Conversion of existing barn with extension, plus associated works for holiday use only  
**Start Date:** 16 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 23 June 2020  
**Statement Due Date:** 21 July 2020

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**App.No:** 19/0365/FUL  
**Appeal Ref:** APP/U1105/W/20/3248708  
**Appellant:** Ms P Boast  
**Address:** Land Adjacent 4 Cheese Lane Sidmouth  
**Proposal;** Proposed new dwelling  
**Start Date:** 17 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 24 June 2020  
**Statement Due Date:** 22 July 2020

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**App.No:** 19/1852/FUL  
**Appeal Ref:** APP/U1105/D/20/3252358  
**Appellant:** Mr Hignett  
**Address:** Greystones Salcombe Regis Sidmouth EX10 0JQ  
**Proposal;** Two storey side extension, single storey side extension (wing), new outbuilding, removal of existing garden buildings.  
**Start Date:** 18 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 23 June 2020

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**App.No:** 19/2188/FUL  
**Appeal Ref:** APP/U1105/W/20/3252871  
**Appellant:** Mr Duncan Rawlings  
**Address:** (Land To The South East) 109 Beer Road Seaton  
**Proposal;** Construction of 1no. dwelling, utilising existing access and parking area.  
**Start Date:** 18 June 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 June 2020  
**Statement Due Date:** 23 July 2020

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**App.No:** 20/0015/CPE  
**Appeal Ref:** APP/U1105/X/20/3251141  
**Appellant:** Mrs Veronica Strawbridge  
**Address:** Rhode Hill Farm Rhode Hill Uplyme Lyme Regis DT7 3UF  
**Proposal;** Certificate of Lawfulness to establish substantial completion of a single dwelling without the benefit of planning consent.  
**Start Date:** 2 July 2020  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 16 July 2020  
**Statement Due Date:** 13 August 2020

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**App.No:** 18/F0034  
**Appeal Ref:** APP/U1105/C/19/3238383  
**Appellant:** Natalie Jones  
**Address:** Land at Otter Valley Golf Course, Rawridge  
**Proposal;** Appeal against the serving of an enforcement notice in respect of the change of use of the land from that of agriculture to a mixed use of the land for siting of a mobile home for residential purposes, use of the land as an equine stud farm and use of the agricultural barn for livestock.  
**Start Date:** 6 July 2020  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 20 July 2020  
**Statement Due Date:** 17 August 2020  
**Inquiry Date:** Not yet arranged

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**App.No:** 19/0358/CPE  
**Appeal Ref:** APP/U1105/W/20/3250786  
**Appellant:** Mr Burroughs  
**Address:** Thorn Park Family Golf Centre Salcombe Regis Sidmouth EX10 0JH  
**Proposal;** Certificate of lawfulness for the use of the land for the siting of a caravan used as an independent dwelling and for the siting of a storage container used to store equipment associated with the running of the golf club and agricultural work carried out on the land  
**Start Date:** 13 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 July 2020  
**Statement Due Date:** 24 August 2020

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**App.No:** 19/F0171  
**Appeal Ref:** APP/U1105/C/20/3250819  
**Appellant:** Richard House  
**Address:** Land opposite Woodbury Business Park  
**Proposal;** Appeal against an enforcement notice served in respect of the change of use of agricultural land to a car parking area  
**Start Date:** 14 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 28 July 2020  
**Statement Due Date:** 25 August 2020

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**App.No:** 19/2346/FUL  
**Appeal Ref:** APP/U1105/W/20/3254025  
**Appellant:** Mr & Mrs B Moore  
**Address:** Land At The Paddock Rousdon Estate Rousdon DT7 3XR  
**Proposal;** Proposed demolition of 2 existing workshop buildings and erection of a 3-bedroom dwelling.  
**Start Date:** 21 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 28 July 2020  
**Statement Due Date:** 25 August 2020

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**App.No:** 19/2374/FUL  
**Appeal Ref:** APP/U1105/W/20/3254084  
**Appellant:** Mr L White  
**Address:** Land Adjacent Valley View Farway EX24 6EE  
**Proposal;** Erection of residential dwelling log cabin.  
**Start Date:** 29 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 5 August 2020  
**Statement Due Date:** 2 September 2020

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**App.No:** 19/2092/FUL  
**Appeal Ref:** APP/U1105/W/20/3254997  
**Appellant:** Mr Richard Gray  
**Address:** 1 Victoria Road Exmouth EX8 1DL  
**Proposal;** Replacement of 17 windows  
**Start Date:** 29 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 5 August 2020  
**Statement Due Date:** 2 September 2020

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**App.No:** 19/2667/FUL  
**Appeal Ref:** APP/U1105/W/20/3256468  
**Appellant:** Mr Matthew Knight  
**Address:** Land Adjacent 6 The Chase Honiton  
**Proposal;** Construction of 1 no. dwelling (resubmission of application ref. 19/0754/FUL)  
**Start Date:** 29 July 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 5 August 2020  
**Statement Due Date:** 2 September 2020

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**App.No:** 20/0471/FUL  
**Appeal Ref:** APP/U1105/D/20/3255393  
**Appellant:** Mr & Mrs Kevin & Marianne Howe  
**Address:** Holmleigh Back Lane Newton Poppleford Sidmouth EX10 0EY  
**Proposal;** Raising of roof ridge and insertion of attic windows to south and north elevation. Construction of front and rear dormer windows, single storey side extension and provision of render to existing brickwork.  
**Start Date:** 3 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 August 2020

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**App.No:** 20/0312/TRE  
**Appeal Ref:** APP/TPO/U1105/7890  
**Appellant:** Mrs Kath Pyne  
**Address:** Oasis Toadpit Lane West Hill Ottery St Mary EX11 1TR  
**Proposal;** Fell two Pinus Sylvestris trees protected by a Tree Preservation Order  
**Start Date:** 12 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 August 2020

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**App.No:** 19/2336/LBC  
**Appeal Ref:** APP/U1105/Y/20/3254977  
**Appellant:** Mr Andy White  
**Address:** Former Lloyds Bank, 6 Silver Street Ottery St Mary EX11 1DD  
**Proposal;** Partial removal of ground floor internal party wall to facilitate the extension of the London Inn into the former Lloyds Bank  
**Start Date:** 18 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 25 August 2020  
**Statement Due Date:** 22 September 2020

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**App.No:** 19/2650/PDQ  
**Appeal Ref:** APP/U1105/W/20/3253451  
**Appellant:** Mrs M Hazell  
**Address:** Barn West Of Tale Head Cottage Payhembury  
**Proposal;** Prior approval for proposed change of use of agricultural building to form 5 no. dwellings (Use Class C3) and associated operational development  
**Start Date:** 20 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 August 2020  
**Statement Due Date:** 24 September 2020

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**App.No:** 19/2828/PDQ  
**Appeal Ref:** APP/U1105/W/20/3255904  
**Appellant:** Mr Karl Mooney  
**Address:** Barn South Of Rull Barton Rull Lane Whimble  
**Proposal;** Prior approval for proposed change of use of agricultural building to 1 no. smaller dwelling house (class C3 use) under class Q(a)  
**Start Date:** 20 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 August 2020  
**Statement Due Date:** 24 September 2020

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**App.No:** 20/0611/FUL  
**Appeal Ref:** APP/U1105/D/20/3256604  
**Appellant:** Mr P & Mrs B Keeling  
**Address:** Donnithornes Mill Street Ottery St Mary EX11 1AF  
**Proposal;** Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate  
**Start Date:** 20 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 August 2020  
**Statement Due Date:** 24 September 2020

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**App.No:** 20/0437/LBC  
**Appeal Ref:** APP/U1105/Y/20/3256621  
**Appellant:** Mr Paul Keeling  
**Address:** The Donnithornes Mill Street Ottery St Mary EX11 1AF  
**Proposal;** Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate  
**Start Date:** 20 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 August 2020  
**Statement Due Date:** 24 September 2020

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**App.No:** 20/0437/LBC  
**Appeal Ref:** APP/U1105/Y/20/3256621  
**Appellant:** Mr Paul Keeling  
**Address:** The Donnithornes Mill Street Ottery St Mary EX11 1AF  
**Proposal;** Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate  
**Start Date:** 20 August 2020  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 27 August 2020  
**Statement Due Date:** 24 September 2020

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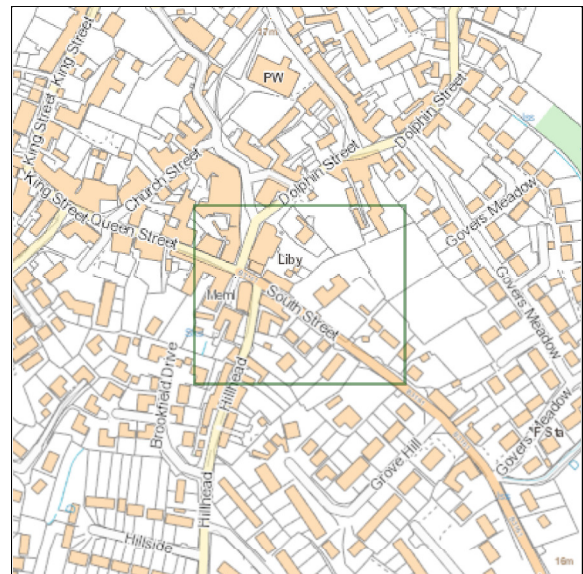
**Ward** Coly Valley

**Reference** 20/1482/FUL &  
20/1483/LBC

**Applicant** Mr Hal Johnson

**Location** 3 Sunnyside South Street Colyton EX24 6EP

**Proposal** Take down section of garden wall and re-build



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>Coly Valley (Colyton)</b>	<b>20/1482/FUL</b>	<b>Target Date: 04.09.2020</b>
<b>Applicant:</b>	<b>Mr Hal Johnson</b>	
<b>Location:</b>	<b>3 Sunnyside, South Street, Colyton, EX24 6EP</b>	
<b>Proposal:</b>	<b>Take down section of garden wall and re-build</b>	

**RECOMMENDATION: Approval with conditions**

		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>Coly Valley (Colyton)</b>	<b>20/1483/LBC</b>	<b>Target Date: 04.09.2020</b>
<b>Applicant:</b>	<b>Mr Hal Johnson</b>	
<b>Location:</b>	<b>3 Sunnyside, South Street, Colyton</b>	
<b>Proposal:</b>	<b>Take down section of garden wall and re-build</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**The applications are before committee as the applicant is an officer of the Council.**

**The proposal seeks planning and listed building consent to allow for the partial re-building of a section of boundary wall between the Grade II listed property and the neighbouring Grade II\* property to the east, 'The Great House'.**

**The section of wall in question is in a poor condition and has an ivy branch growing through it which will further affect its stability. It was previously repaired many years ago but the concrete capping slabs that have been used are inappropriate and out of character.**

**The proposal looks to rebuild the wall re-using the existing stonework but utilising traditional lime mortar and re-instating the traditional 'cock and hen' stone capping used elsewhere on the garden walls.**

**Once complete and subject to the conditions set out below, the overall appearance of the wall will be slightly improved with negligible impact on the setting of either listed buildings and the setting of the conservation area preserved.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

The Colyton Parish Council wish to support this application.

### **Technical Consultations**

#### Historic England

Thank you for your letter of 16 July 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM

LISTED BUILDING CONSENT

PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 3 Sunnyside, South Street, Colyton

GRADE: II/Adj II\* APPLICATION NO: 20/1483/LBC & 20/1482/FUL

CONSERVATION AREA: Colyton

PROPOSAL: Take down section of garden wall and re-build

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Great House is listed Grade II\*

3 Sunnyside is one of a group of 3no. stone rubble cottages adjoining the garden to the Great House, and is listed Grade II.

Both properties are located within the Colyton Conservation Area.

## HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This application relates to the shared side garden boundary wall between No. 3 Sunnyside and the Great House. Due to the change in levels the wall is different heights on each side, but is essentially a random sized and random coursed chert stone wall, in contrast to the regular coursed chert stone coursing of the front wall in square knapped flint to the Great House. The wall has previously been repaired with both cement and lime mortar and the section closest to the corner of No. 3 Sunnyside is in poor condition with ivy growing inside the wall, causing instability. In addition, the original cock and hen capping has been replaced with a concrete capping.

It is intended to take down the section of the wall closest to No. 3, the extent shown on the submitted plans, remove the ivy and to rebuild it to match using the salvaged material and a more appropriate lime mortar. The concrete capping will be replaced with the cock and hen style to match the remainder of the wall.

There is no objection in principle and it is considered that the proposed works will have little impact on the character, significance or setting of either No. 3 Sunnyside or the Great House. The replacement of the original capping will actually improve the appearance of the wall and contribute positively to the boundary wall between both properties. Subject to the conditions below the works to the wall are acceptable.

NB. There are no comments from Historic England. Please contact them to ensure that they have received the consultation as there have been some issues with their processes recently.

## PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

### SUGGESTED CONDITIONS: LBC1N; PL2;

Before any work is undertaken to remove any part of the garden boundary wall, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the boundary wall which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the boundary wall to be retained, measures as follows:-

- a) to strengthen any wall or vertical surface;
- b) to support any wall or horizontal surface; and
- c) to provide protection for the boundary wall against the weather during the progress of the works.

Details of any additional necessary repairs required as a result of the works, including methodology, specification or schedule shall be submitted to and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

The salvaged materials from the wall shall be removed and stored under cover (or in a location approved in writing by the Local Planning Authority) for re-use in the rebuilding of the wall as part of the works permitted in this consent.

(Reason - To safeguard the architectural and historic character of the building in accordance Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

The rebuilding of the stone boundary wall shall be carried out in matching random stonework and the repointing shall be carried out using a lime based mix, 1 part 3.5 NHL to 6 parts sand unless otherwise agreed in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

#### Other Representations

None received.

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/1352/FUL	Refurbish Outbuilding	Approval with conditions	10.08.2018
18/1353/LBC	Refurbish Outbuilding	Approval with conditions	10.08.2018
13/2751/LBC	Replacement of 4no casement windows on front elevation with timber sash windows	Approval with conditions	14.02.2014

#### **POLICIES**

##### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN9 (Development Affecting a Designated Heritage Asset)

### **Site location and description**

3 Sunnyside is at the south-eastern end of a terrace of 3 no. properties located to the north side of South Street, close to the town centre. The properties are constructed from stone rubble under a slate roof. The terrace is grade II listed for its group value.

To the rear of No. 3 is a courtyard garden bounded by stone walls. The application concerns a section of wall on the south-eastern boundary separating the site from the garden of 'The Great House' a grade II\* listed building, located approximately 15.5 metres to the east. The site lies within the designated Colyton Conservation Area.

### **Proposed Development**

Planning permission and listed building consent are sought to allow the demolition and rebuilding of an approximately 4 metre section of wall.

The wall forms the boundary between the application site and the garden of 'The Great House'. The wall is taller on the outer (Great House) side measuring approximately 2.2 metres above ground level compared with approximately 1.2 metres within the site. At present the section of wall in question is in a poor condition and has been patch repaired in the past, an ivy branch is growing up through the wall affecting its stability.

The proposal is to taken down the wall and rebuild it using the original stone but with lime mortar and replacing the existing inappropriate concrete capping stones with the more traditional 'cock and hen' style finish, used on other walls within the garden.

### **ANALYSIS**

It is considered that the main issues in the determination of the application relate to the impact on the character and appearance of the listed building and wider conservation area. Given that the intention is to re-build the wall to largely replicate its original form and appearance (save for the more appropriate capping finish). It is not considered that the works would result in any detrimental impact on neighbouring occupiers.

### **Impact on character and appearance of the listed building**

The boundary wall is physically attached to the main listed building.

The general duty under Section 66 of the Listed Buildings and Conservation Area Act 1990 is to preserve the building and its setting.

The National Planning Policy Framework (NPPF) states 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 proposal would entail the demolition of a short but not insignificant extent of wall and therefore of historic fabric. However, due to the extent of ivy ingress into the wall it is accepted that the works are necessary and would result in a more solid structure that should provide an appropriate and secure boundary finish for many years to come.

The replacement of the inappropriate concrete capping would bring about a positive benefit. Overall as the proposal largely seeks to reinstate the wall and address its deteriorating condition, it would cause no harm and would help to seek to secure the longer term retention and maintenance of the building.

### **Impact on wider conservation area**

The application site lies within the designated conservation area of the town where policy EN10 of the Local Plan states that only development that would preserve or enhance the appearance and character of the area will be permitted.

In this instance the wall is located to the side and rear of the property where there are limited public views of the site, these being largely screened by the front boundary wall to The Great House. The purpose of the proposal is to restore the wall to what is likely to have been its original appearance and as such on completion the proposal would have a benign or slight positive impact on the conservation area and would preserve the appearance and character of it.

### **Other issues**

There are a number of small trees growing in the vicinity of wall however these are of limited amenity value and are not considered likely to be affected by the proposed works.

### **CONCLUSION**

The proposal seeks to repair and improve a listed boundary wall.

The proposed works will address the current deteriorating condition of the wall, rebuilding it with salvaged materials and re-introducing the original capping style that was lost when the wall was previously repaired many years ago.

The works will cause no harm to the listed wall, listed buildings, neighbour amenity or the wider Conservation Area and are welcomed in terms of ensuring the longer term future of the listed wall.

As such the application is recommended for approval.

### **RECOMMENDATION 1 – 20/1482/FUL**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.



(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

##### Plans relating to this application:

	Block Plan	10.07.20
	Location Plan	10.07.20
north west	Proposed Elevation	10.07.20
south east	Proposed Elevation	10.07.20
plan of wall	Other Plans	10.07.20

#### **RECOMMENDATION 2 – 20/1483/LBC**

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Before any work is undertaken to remove any part of the garden boundary wall, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the boundary wall which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the boundary wall to be retained, measures as follows:-

- a) to strengthen any wall or vertical surface;
- b) to support any wall or horizontal surface; and
- c) to provide protection for the boundary wall against the weather during the progress of the works.

Details of any additional necessary repairs required as a result of the works, including methodology, specification or schedule shall be submitted to and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

4. The salvaged materials from the wall shall be removed and stored under cover (or in a location approved in writing by the Local Planning Authority) for re-use in the rebuilding of the wall as part of the works permitted in this consent.

(Reason - To safeguard the architectural and historic character of the building in accordance Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

5. The rebuilding of the stone boundary wall shall be carried out in matching random stonework and the repointing shall be carried out using a lime based mix, 1 part 3.5 NHL to 6 parts sand unless otherwise agreed in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant listed building concerns; however, in this case the application was deemed acceptable as submitted.

##### Plans relating to this application:

	Block Plan	10.07.20
	Location Plan	10.07.20
north west	Proposed Elevation	10.07.20

south east	Proposed Elevation	10.07.20
plan of wall	Other Plans	10.07.20

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.

**Ward** Dunkeswell And Otterhead

**Reference** 20/1049/FUL

**Applicant** Colin and Jenny Brown and Wheatley-Brown

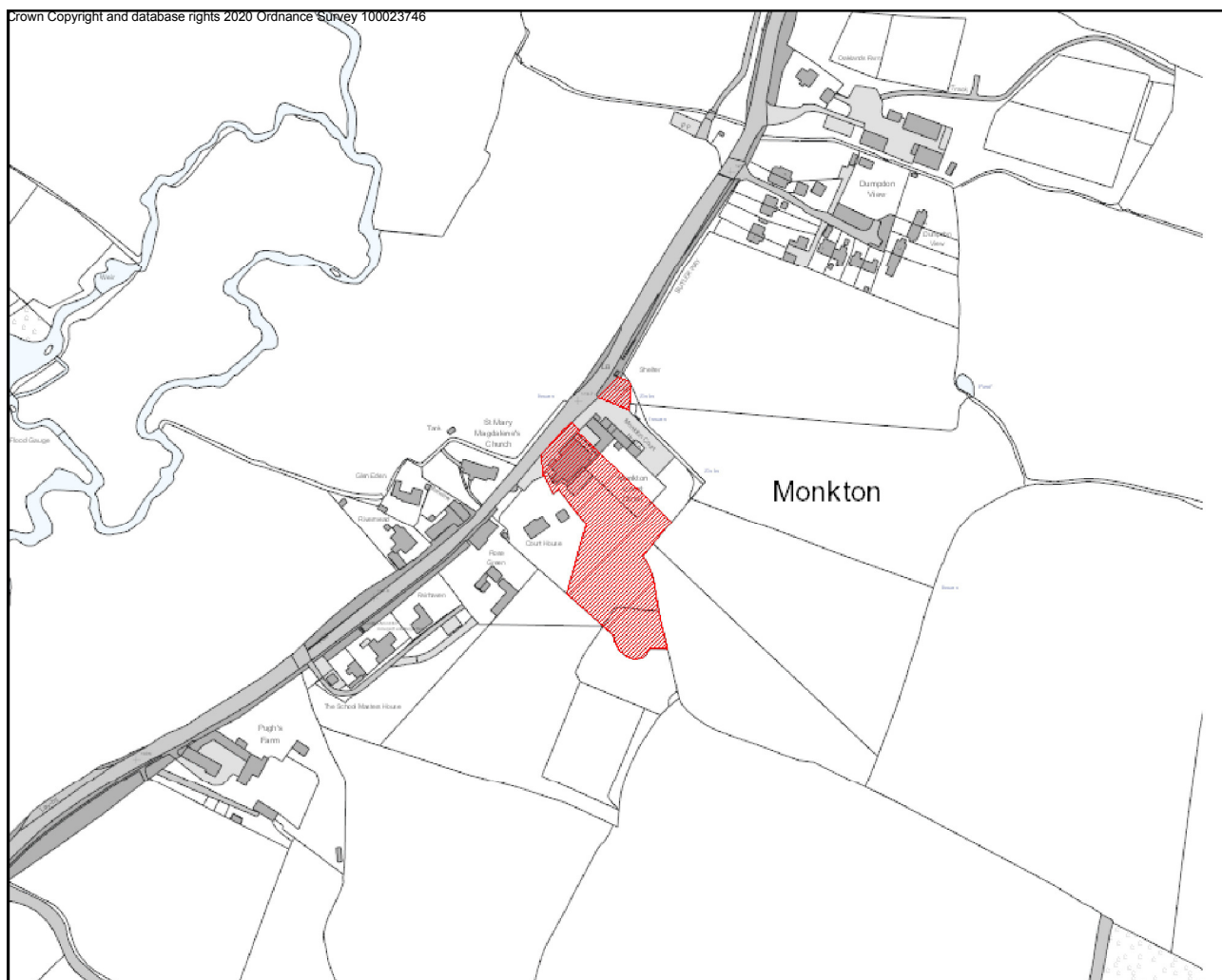
**Location** Court Hall Monkton Honiton EX14 9QH

**Proposal** Conversion of an existing hotel/guest house (C1) to form a single, independant dwellinghouse (C3)



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>Dunkeswell And Otterhead (Monkton)</b>	<b>20/1049/FUL</b>	<b>Target Date: 22.07.2020</b>
<b>Applicant:</b>	<b>Colin and Jenny Brown and Wheatley-Brown</b>	
<b>Location:</b>	<b>Court Hall Monkton</b>	
<b>Proposal:</b>	<b>Conversion of an existing hotel/guest house (C1) to form a single, independent dwellinghouse (C3)</b>	

**RECOMMENDATION: APPROVE subject to conditions**

#### **EXECUTIVE SUMMARY**

The application is before Members as the applicant is a district councillor and one of the ward members.

The proposal would result in the loss of the existing guesthouse/hotel use and conversion of the building to residential use. It is advised that the applicant's already reside in the building in an owner's flat and therefore the proposal would not result in any additional residential units, in what is considered to be an unsustainable location. This being the case, no objection is raised in relation to the proposed residential use with regards to accessibility to services or facilities.

It is also recognised that a recent high court decision has determined that policy E18 of the Local Plan, which deals with the loss of tourist accommodation, would not apply in circumstances/locations such as this.

The lawful use of the site is of a type which is considered to be a 'main town centre use' and as such is classified as an employment generating use under Strategy 32 of the Local Plan. This policy seeks to resist the loss of such uses, where it would harm business and employment opportunities, unless one of 4 listed circumstances are met. The policy does not define what might constitute 'harm' and whilst the property is considered to represent an employment use any employment provision has historically been limited to primarily the applicants themselves, with assistance from casual staff as required. Whilst the application is not supported by up to date marketing evidence, evidence from a previous marketing campaign has indicated a lack of interest in the site as an ongoing concern with concerns over size (of both site and building), location and competition being cited. There remains ongoing uncertainty over any future route changes to the A30 around Monkton which is likely to be of specific concern to investors. Whilst this marketing exercise is not up to date, given the constraints

on and issues affecting the site, it is not considered that any further marketing in the current climate in relation to this proposal would be likely to produce any different result. It is also acknowledged that in terms of alternative provision there are a range of larger chain hotels operating in the area as well as other boutique hotels and smaller guesthouses.

On the basis of the above, whilst the loss of the business use of the premises would be regrettable it is not considered that in this instance it would be reasonable to resist such loss and that the proposal would not result in harm to either social or community gathering or business and employment opportunities in the area and as such would not be contrary to Strategy 32.

The proposal is otherwise considered to be acceptable and as such the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Dunkeswell And Otterhead - Cllr David Key**

I fully support the application as usage as a bed and breakfast property has declined considerably and so can see no reason why this should not become a private house.

#### **Clerk To Monkton Parish Council**

Court Hall was historically the Manor House of Monkton - a private dwelling house. In its early days it was the Vicarage for Monkton Church. Therefore the Parish Council has no objection to this application.

### **Technical Consultations**

#### **Highways England**

Referring to the application referenced above, seeking permission for the conversion of an existing hotel/guest house (C1) to form a single, independent dwellinghouse (C3), at Court Hall, Monkton, Honiton, Devon, EX14 9QH, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection.

Highways Act Section 175B is not relevant to this application.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

#### Devon County Highway Authority

We have received the attached consultation, but Devon County Council is not the Highway Authority for the connecting highway, A30 (Trunk), therefore consultation should be sought from Highways England for this application.

#### Economic Development Officer

I have reviewed the submitted documents associated with this application. As a service, we have previously supported new visitor accommodation and hotel development within the district. Whereas we acknowledge the observations around increased competition from national chains and online home sharing sites, no new information is provided in relation to the overall shortfall in guest accommodation in East Devon being resolved.

The proposed loss of employment use to residential appears to bring Strategy 32 of the Local Plan into consideration. It doesn't seem that a marketing exercise has been carried out to more fully explore options for retention of the site for its current or similar use. Nor has a surplus of hotel accommodation with the district been specifically evidenced.

We are conscious that room occupancy rates (a clear measure of demand) are strongest in Exeter and immediately East of the city. Demand can often outstrip supply when large scale visitor events happen simultaneously. The position of this hotel, right on the A30 may make it especially attractive to established hotel businesses who have approached East Devon seeking sites next to main roads with a minimum 40,000 vehicle movements per day.

Further comments:

Additional letters noted – they're saying the same thing.

On the one hand, a marketing exercise for a property which was conducted 7 yrs ago is wholly unacceptable as a basis for presuming current market demand. On the other, you're right, in that a renewed marketing exercise in the midst of a global pandemic and economic recession without an end in sight would also be flawed in its ability to capture 'normal' market demand.

To be clear, the application is not meeting the requirements of Strategy 32 or the published marketing strategy guidance and there is no economic development basis to support the proposed loss of employment generating use. However, we accept the limitations of any further marketing exercise and that we are not reviewing this application during a period of normal market conditions.

#### Other Representations

No comments received.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
09/1698/FUL	Extensions to hotel to create additional letting bedrooms, functions room, ancillary storage and kitchen facilities and revised parking and access arrangements.	Approval with conditions	20.10.2009
12/2086/FUL	Proposed extension to form foyer to hotel	Approval with conditions	08.03.2013
12/2288/FUL	Replacement of extant planning permission 09/1698/FUL- extensions to hotel to create additional letting bedrooms, function room, ancillary storage and kitchen facilities and revised parking and access.	Approval with conditions	28.11.2012
15/2170/FUL	Proposed garage	Approval - standard time limit	11.12.2015
16/2532/FUL	Change of use and conversion of garages and stores to create 7 hotel bedrooms	Approval with conditions	08.02.2017

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)



TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

E18 (Loss of Holiday Accommodation)

Monkton Neighbourhood Plan (In Preparation)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

Court Hall is a large detached two storey property dating from the early 19<sup>th</sup> century. It is constructed from local random stone, with dressed stone detailing under a pitched slate roof. The property is accessed direct from the A30, from which it is separated by a driveway/parking area and low stone wall. The site currently operates as a hotel/guesthouse, although its occupation has become limited over recent years as the applicants have scaled back the business.

There are neighbouring residential properties to the northeast, 'Monkton Court House' and southwest, 'Court House'. A separate fenced parking area associated with the use of the site is located adjacent to the highway, north of the entrance to Monkton Court House. To the southwest of the site on the opposite side of the A30 is St Mary Magdalene's church (grade II\* listed). The village pump, located roadside opposite the church, is separately listed (grade II).

Monkton is a small settlement with no defined built-up area boundary. It is located in open countryside approximately 3km northeast of Honiton and falls within the designated Blackdown Hills Area of Outstanding Natural Beauty.

### **Proposed development**

Court Hall is described variously in the supporting documents as a guesthouse and as a (boutique) hotel. In planning terms both fall within a C1 use class of The Town and Country Planning (Use Classes) Order 1987 (as amended) and where a change of use is required to change to a dwellinghouse (C3) use.

The application proposes no external or internal changes to the building or site layout other than the removal of an existing extract flue on the northeast elevation of the building. This currently serves a commercial kitchen and would no longer be required.

### **ANALYSIS**

The main issues in the determination of the application relate to the loss of tourism accommodation/employment use and the location of the site with regards to accessibility to services and facilities in relation to the proposed residential use.

## **Principle of development**

The development plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP). Monkton Parish has been designated as a Neighbourhood Area and a pre-submission draft of a Neighbourhood Plan has been produced but this carries less weight given the stage of its preparation.

The site lies outside any designated built up area boundary, or specific site allocation and as such is defined as open countryside under Strategy 7 of the EDLP. Strategy 7 states that development will only be permitted where it is in accordance with another policy of the Local or Neighbourhood Plan that explicitly permits such development. In this instance, policy D8 of the Local Plan potentially offers support for the proposed residential use subject to all of its listed criteria being met. Those criteria require, amongst other things, that the new use would not substantively add to the need to travel by car; that the building is structurally sound and capable of conversion, without the need for substantial alteration; there would be no harm caused by parking storage etc. associated with the proposed use and that the conversion could be undertaken in an appropriate manner with regard to local building styles and materials. In this case, the building is already in a tourism/employment generating use and no operational development is proposed/required to enable the change of use. It is also not considered that the proposal would cause any particular harm through parking or external storage, given the existing use. Consideration of traffic movements and need for car travel is considered separately below.

In relation to proposals for residential conversions a further three criteria need to be met to satisfy the requirements of policy D8. The first of these is not applicable as it relates to agricultural diversification. The second criteria requires that the conversion would enhance its setting through the removal of modern extensions and materials, outside storage, landscaping etc. In this respect the application proposes the removal of a large extract flue that runs up the northeast elevation of the building. The supporting statement considers the removal of this flue would, '*...lead to a significant improvement to the building's immediate setting.*' This view is considered to overstate any resulting benefits but the removal of the flue would have some benefit.

The location of the site in relation to a range of accessible service and facilities is considered below.

## **Site location and accessibility**

The draft Monkton Neighbourhood Plan lists the services and facilities within the parish. In terms of transport provision it refers to a weekly bus service to Taunton, it states that there are no health services provided within the parish, there is also no primary school but there is a village hall. A limited number of businesses are listed which include the application site. It is not considered that Monkton provides a range of services and facilities to meet the everyday needs of residents. This view was shared by the planning inspector in dismissing an appeal for the residential conversion of a number of redundant agricultural buildings and farm shop/café at Oaklands farm, just to the northeast of the site (APP/U1105/W/19/3243903). In that case the inspector formed the view that,

*“Given the limited range of goods and services available in Monkton and the highway conditions and infrequent bus service limiting the means of accessing surrounding towns, neither would it be located close to a range of accessible services which would meet the everyday needs of residents.”*

Given the above, it is considered that future residents of new residential units are likely to be almost entirely reliant on private transport for the vast majority of their journeys. The location of the development is therefore considered to be unsustainable for new residential uses and would lead to a reliance on the use of private transport and as such would be contrary to the provisions of Strategy 7 and policies D8 and TC2 of the Local Plan.

Nevertheless, whilst Monkton and this site in particular are not considered to represent a sustainable location for new residential development it is recognised that the applicant's already reside on site, as confirmed at para. 2.5 of the supporting statement. Additional information provided indicates that the applicants already occupy a residential flat within the building on which they pay council tax and have done so for a number of years. This being the case, there is already a residential use occurring, albeit ancillary to the hotel/guesthouse use. There appear to be no conditions restricting such residential occupation and therefore no reason why this could not continue to occur even when the hotel/guesthouse use is not operating. On this basis, the proposal would effectively represent an expansion of the existing residential use to encompass the whole building as opposed to the establishment of an entirely new residential use. This situation distinguishes the proposal from the recent decision at Oaklands Farm and leads to the view that whilst the residential use of the entire building has the potential to result in increased 'residential' journeys, it would not lead to an increase in the number of residential units operating from the site.

Taking the above into account it is considered that there is no basis on which to resist the proposal in relation to accessibility to services and facilities to meet every day needs. The planning agent has also sought to distinguish the proposal from the Oaklands Farm decision in that, they consider the hotel use to be a destination use as opposed to relying on passing trade. This is on the basis that the hotel operated on a pre-booking basis only and therefore could not serve passing trade. This view is not entirely shared as it is considered likely that at least a proportion of the users of the hotel would 'pre-book' on the basis that they would be passing perhaps to break a journey to or from the southwest. Nevertheless, this does not alter the view that the proposal would not in effect result in an additional residential unit and that therefore refusal, on accessibility grounds, would be unwarranted.

### **Loss of tourism/employment use**

Policy E18 of the EDLP deals specifically with applications that propose the loss of, or redevelopment, of hotels or other holiday accommodation and specifically looks to resist such changes unless the use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the use.

The policy requires demonstration that the use has been appropriately marketed for at least 12 months at a realistic price and without interest. The policy makes specific

reference to the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth and a recent High Court Judgement, *Mills v The Secretary of State for Housing Communities and Local Government* [2019] EWHC 3476 (Admin) (the “Mills judgement”) has confirmed that policy E18 does not apply to areas outside of those four principal seaside resorts. This being the case that policy is not applicable in the determination of the current application.

There is also a need to consider the loss of the existing use against the requirements of Strategy 32 of the EDLP which seeks to resist the loss of employment, retail and community sites and buildings. The strategy states that permission for the change of use of such facilities will not be permitted where it would harm social or community gathering and/or business and employment opportunities in the area unless one of the listed circumstances are met.

The applicant’s agent has argued that Strategy 32 should not apply to this case as the proposal does not represent one of the specified Class B or related sui generis type uses referred to in the policy. They further suggest that as the use has ceased, following the decision to close the business in March, that it would not result in the loss of current or allocated employment land, or result in the loss of an employment use. Finally, it is suggested that there are a plethora of existing businesses and employment opportunities available nearby, Honiton being specifically referred to, such that the loss of this site would have an inconsequential impact on employment /business opportunities.

In the application of Strategy 32, it first needs to be established whether the proposal would result in any ‘harm’ to social or community facilities and/or business and employment opportunities. Where this is the case it is necessary to go on to consider the proposal against the listed criteria. Employment uses are stated to include ‘main town centre uses’ and the National Planning Policy Framework (NPPF) defines tourism developments (including hotels) as main town centre uses. It is therefore considered that the policy applies to the proposal and that it is necessary to consider the application against this policy.

The hotel/guesthouse is currently not operating but when it was it is understood that this was on the basis of pre-booking only, both for guests and non-residents use of the dining room. As such, its benefits to the local community as a social or community gathering place are likely to have been limited. In terms of employment use, it is advised that the applicants themselves were the only full-time employees in the business and it is their intention to now retire. Other employees were limited to 2 no. casual workers who assisted during peak periods. The closure of the business would therefore not result in any direct significant job losses, although it would remove the site from an employment type use and therefore the potential for an alternative employment use of the building.

Where harm is considered to result, one of the circumstances listed under criteria 1-4 of Strategy 32 must be met. Criteria 1,2 & 4 relate to where the continued use of the site would significantly harm the quality of a locality; where the new use would safeguard a listed building where current uses are detrimental to it; or where the proposal would result in the provision or restoration of retail facilities in a settlement otherwise bereft of shops, none of which apply. Criteria 3 requires options for the

retention of the site, or premises, for its current or similar uses to have been fully explored, without success, for a minimum of 12 months. It is understood that no marketing of the business has been undertaken recently and therefore criteria 3, were it to apply would not be met.

Further supporting information has been received in the form of letters from 2 different property specialists. The first of these refers to a marketing campaign held between February 2013 and May 2014 which failed to generate any offers for the business with feedback referencing: concerns over the limited number of letting bedrooms; the site being unsuitable for redevelopment for a larger hotel; impact of other chain hotels in the area and of the potential re-routing of the A30 around Monkton. The letter also makes reference to other large hotel developments that have been granted since the time of the earlier marketing campaign. The second letter also refers to direct competition from established chain hotels and site constraints affecting the attractiveness of the site for continued hotel use or suitability for other similar uses. The additional evidence has been discussed with the Council's Economic Development Officer who considers the length of time since the marketing campaign to be ineffective at establishing current market demand but also acknowledges that a renewed marketing exercise for this property in the current circumstances is unlikely to reflect 'normal' demand. Overall the view expressed by the Economic Development Manager is that the evidence fails to meet the requirements of Strategy 32 or the Council's published marketing guidance but recognises the limited value in doing this in current times for this proposal.

In other regards, the application is supported by some limited financial information which indicates that the viability of the business is in decline and that losses have been incurred for the past two financial years and that the last year in which the business was in profit was 2013-2014. This information, whilst providing some support in favour of the application is limited in its extent. Furthermore, it does not necessarily indicate that another similar business, or changes in the operational model of the business might not result in an upturn in fortunes.

The applicant's point to the opening of other larger hotels in the area as a contributing factor in the decline of the business. The Hampton by Hilton at Exeter Airport and the Premier Inns in Honiton and Seaton are specifically mentioned as having an adverse impact on the business and providing an offer with which it cannot compete. The competition provided by these businesses is noted, and whilst they are likely to compete for a slightly different market it is also acknowledged that there are other boutique/smaller country hotels, such as 'The Pig' at Gittisham which supply other areas of the market.

To conclude on this issue, the loss of the existing business in itself is not considered to result in harm to employment opportunities in the area. Whilst the loss of the site could in theory harm business and employment opportunities in the area, it is recognised that there are external factors at play in this instance that are likely to impact on the attractiveness of the site to prospective purchasers including: potential works to upgrade the A30 north of Honiton; the size of the site and limited opportunities to expand, and; competition from other accommodation providers. Whilst the marketing evidence submitted is outdated, it is not considered, given the proposal and specific circumstances, that in the current circumstances any further marketing

evidence would be likely to result in further interest of the site for hotel, or similar employment generating uses. On this basis, the employment use of the site whilst regrettable is considered to be acceptable in this instance and the lack of up-to-date marketing is not critical as the evidence suggest that the circumstances of the proposal means that the proposal would not harm social or community gathering and/or business and employment opportunities such that criteria 3 to Strategy 32 is not engaged.

### **Other Issues**

The proposal is likely to result in a reduction in the number of traffic movements associated with the lawful use of the site and Highways England has raised no objection to the proposals. It is not considered that the proposal would give rise to any highway safety concerns or be detrimental to the operation of the wider highway network and that the requirements of policy TC7 of the EDLP would be met. Similarly, sufficient car parking provision is available to serve the proposed residential use as required by policy TC9 of the EDLP.

Given the nature of the change of use and the very limited external changes proposed (removal of external flue) the proposal is considered to have a negligible impact on the character and appearance of the area or the setting of the grade II\* listed church opposite and would satisfy the requirements of policies D1 and not engage those of policy EN9 of the EDLP.

### **CONCLUSION**

The application proposes to change the use of the existing hotel/guesthouse to form a single residential unit.

The site is not considered to be in a sustainable location where future residents could easily access a range of services to meet their everyday needs. Nonetheless, it is recognised that the applicants already live on site and as the proposal only seeks permission for a single dwelling in effect there would be no increase in the number of residential units on site.

The proposal would result in the loss of the existing C1 (Hotel/guesthouse) use which is a main town centre use and therefore covered by the requirements of Strategy 32 of the Local Plan. The existing/former operation of the business has employed limited numbers – only the applicants full-time and they are retiring – and appears to have proved unviable in recent years and whilst the marketing evidence provided is out of date it does highlight constraint on the site which would effect potential for alternative similar uses and which remain unchanged. Whilst, it is not possible to say for certain that an alternative employment/tourism use of the site would not prove more successful, given the identified constraints and alternative provision available in the wider area, it is not considered that the loss in this instance would result in harm to social or community gathering and/or business and employment opportunities and therefore the proposal accords with Strategy 32 without the need for any further marketing.

In light of the proposal according with Strategy 32 and causing no other harm, the proposal is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Within two months of the commencement of the use hereby permitted the external extract flue and supporting infrastructure on the northeast elevation of the building (as shown on the submitted floor plans and annotated photographs, received 29th May 2020) shall have been removed any making good carried out in matching materials, and photographic evidence submitted to the Local Planning Authority.  
(Reason - In the interests of the character and appearance of the area and enhancement to the setting of the building, in accordance with policies D1 (Design and Local Distinctiveness), D8 (Re-use of Redundant Rural Buildings Outside of Settlements) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

### Plans relating to this application:

extraction flue	Other Plans	27.05.20
	Location Plan	22.05.20

### List of Background Papers

Application file, consultations and policy documents referred to in the report.

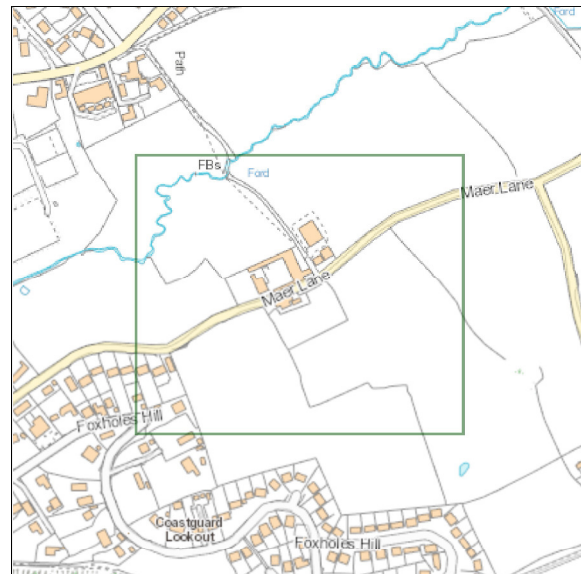
**Ward** Exmouth Littleham

**Reference** 20/0842/FUL

**Applicant** Littleham 2010 Ltd

**Location** Land Adjacent To The Meetings Maer Lane  
Exmouth EX8 5DD

**Proposal** Conversion of disused agricultural building to create one dwelling, including construction of single storey extension and demolition of outbuildings. Construction of new access and change of use of land from agricultural to domestic to facilitate the provision of 2no. car parking spaces to serve existing dwelling



## RECOMMENDATION:

1. **ADOPT** the Appropriate Assessment forming part of the report; and,
2. **Approval with conditions**





		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>20/0842/FUL</b>	<b>Target Date: 28.07.2020</b>
<b>Applicant:</b>	<b>Littleham 2010 Ltd</b>	
<b>Location:</b>	<b>Land Adjacent To The Meetings Maer Lane</b>	
<b>Proposal:</b>	<b>Conversion of disused agricultural building to create one dwelling, including construction of single storey extension and demolition of outbuildings. Construction of new access and change of use of land from agricultural to domestic to facilitate the provision of 2no. car parking spaces to serve existing dwelling</b>	

**RECOMMENDATION:**

1. **ADOPT** the Appropriate Assessment forming part of the report; and,
2. **Approval with conditions**

**EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of a Ward Member.**

**The application relates to a redundant single storey agricultural building situated on the southern side of Maer Lane, as well as an area of agricultural land to the east of the building and the immediately neighbouring property, known as The Meetings. Access to the site is off Maer Lane. Except for in the immediate vicinity of the site, Maer Lane has a hedge on either side of it. The lane is a single carriageway lane, which also forms part of the local cycle network.**

**The site is located within the valley of the Littleham Brook and, consequently, the land rises to the south, and drops further into the valley on the northern side of the road. The southern side of Maer Lane is within the East Devon Area of Outstanding Natural Beauty (AONB) and the Coastal Preservation Area (CPA). These designations do not apply to land on the northern side of Maer Lane. All the land surrounding the site is outside the built-up area of Exmouth.**

**As well as the aforementioned neighbouring property, Maer Farm is located on the opposite side of the lane. That property is currently being converted into a number of residential units.**

**Planning permission is sought to convert the building into a residential property. This would also involve the erection of a single storey extension on the southern**

(rear) elevation of the property. It is also proposed to change of use of an area of agricultural land, to the east of The Meetings, into a parking area.

In planning terms, the application site is located in the countryside, where Strategy 7 (Development in the Countryside) seeks to protect the countryside and prevent unsustainable development. The Exmouth Neighbourhood Plan also contains a built-up area boundary which mirrors that of the Local Plan, so the site is also considered to be in the countryside by the neighbourhood plan.

However, the Local Plan also contains Policy D8 (Re-use of Rural Buildings Outside of Settlements) which, subject to meeting the criteria listed within the policy, offers support to the conversion of buildings close to Built-Up Area Boundaries. In terms of those criteria, it is considered/noted that:

- This site is located very close to the built-up area boundary of Exmouth.
- The design and proposed materials are considered to be sympathetic to the rural nature of the building.
- The scale of the extension is appropriate in relation to the existing building.
- The proposal would have a limited visual impact upon the area, conserve and enhance the AONB through improvements to the appearance of the building, and that land is also screened from long distance views by the same features as the building. Neither the East Devon AONB Team nor the Council's Landscape Architect have objected to the proposal.
- A structural survey was submitted with the application. That document concludes that the building is considered suitable for conversion.
- There is no indication in any of the information submitted with the application that the building now has any agricultural purpose.
- Whilst the proposal would face toward some of the properties currently under construction in Maer Farm, they are set back from the road which separates the two sites. The proposal would not harm the amenity of the adjoining property;
- No highway safety issues are considered to arise from the proposal, and there has been no objection from the County Highway Authority.
- The application was accompanied by a wildlife survey, which concludes that the proposal would not have a detrimental impact on any protected species.

The above demonstrates that the proposal accords with all elements of Policy D8 of the Local Plan. In doing so, it is also considered that the proposal complies with other relevant Local Plan Policies and Strategies including Policy EN1 of the Exmouth Neighbourhood Plan and Strategy 46. Therefore, on the basis of the above, it is recommended that this application is approved.

## **CONSULTATIONS**

Parish/Town Council  
Meeting 22.06.2020

Objection, it was felt that the development would harm the distinctive landscape and was therefore contrary to policy EN1 of the Exmouth Neighbourhood plan.

### Exmouth Littleham - Cllr Bruce De Saram

As it says in this application "The site lies close to the edge of Exmouth, with the edge of the built-up area lying 150m to the west. The Douglas Avenue area of Exmouth is only 350m away and can be reached by public footpath". I have walked this public footpath myself and have seen at first hand how close the site is to Douglas Avenue. I would agree with the statement that it "does lie within the East Devon AONB, the boundary of which runs along Maer Lane" but in mitigation I find that it is very close to neighbouring properties situated along the Maer Lane.

In terms of design I would accept the statement made that "The extension has been designed to match the style of the original building" which is an important planning consideration. Furthermore I note that it is suggested that "The palette of materials proposed would therefore be sympathetic to the traditional character of the property" which again is something which works in its favour. I must also acknowledge that as the application states "In relation to the East Devon Local Plan, the most relevant policies are Strategy 46 and Policy D8.". In fact to be precise Strategy 46 states "that in considering proposals for development, great weight will be attached to the conservation and enhancement of their natural beauty". Therefore having looked at this application I feel on balance that this application meets this criteria.

In conclusion having looked at the paperwork presented and visited this site my observations are that the application appears to be in broad conformity with Strategy 46, particularly in its relatively modest scale and use of natural and vernacular materials as duly noted earlier. I would however reserve my position until I have seen a full professional assessment by our Landscape Architect which should include a detailed assessment of the landscaping and screening of this development. Subject to appropriate Conditions I recommend Approval.

Disclaimer: should this application come to Committee I do reserve an open mind on it as new information becomes available. I have not predetermined this application but will examine it based on the known planning guidance made available to me.

### Exmouth Littleham - Cllr Nick Hookway

As this proposal is for a property that lies within the East Devon AONB it requires very careful consideration. I do not care for the landscaping in relation to the car parking arrangements especially those concerning the vehicle access at the Northern end of the site where an existing agricultural access will be converted to a hardstanding arrangement. The car parking at the southern entrance will be visible from the road. These proposed arrangements detract from the character of the site and will be unsuitable within the AONB. Therefore this application fails to meet Strategy 46 of the East Devon Local Plan "Landscape Conservation and enhancement and AONBs" Therefore I am objecting to this proposal.

Finally I reserve the right to alter my views should I become aware of other facts pertaining to this application and the regulations that apply to it.

Further comments:

Thank you for a copy of the draft committee report.

On reading it I'm surprised that reference to my objection, specifically that the application does not meet Strategy 46 "landscape conservation and enhancement and AONBs" only receives a scant mention in the conclusion.

Having sat on the Planning committee last year I became aware how rigorously any application for a development with the AONBs was assessed and presented to members on the planning committee, indeed I seem to recall that you used the phrase "outstanding" when referring to the quality of new developments with the AONB.

In my view there should be a specific section within the committee report addressing Strategy 46. I am particularly concerned to know how this development meets Section 1 of the strategy, namely "conserves and enhances the character of the area". Having read the East Devon AONB team report which states that "The plans for the proposed development look to retain the scale and character of the existing building reasonably well" I'm not convinced that it does. In what way does this application benefit the AONB? Where is the "enhancement"?

I look forward to your comments

#### East Devon AONB

Background to comments, site description/context (a summary of the National, County and District character assessments)

Maer Farm Linhay is a single storey disused farm building located on the eastern side of Maer Lane close to Exmouth and on the boundary of the AONB. The linhay is part of the wider Maer Farm complex of buildings on the opposite (western) side of Maer Lane which are undergoing conversion to 5 dwellings.

The site falls within National character area (NCA)148 Devon Redlands, Devon County landscape area Sidmouth and Lyme Bay Coastal Plateau and East Devon District landscape character type LCT1B Open Coastal Plateau

Natural England National Character Area Assessment

NCA No: 148

NCA Name: Devon Redlands

Key Statements of Environmental Opportunity relevant to this site

SEO 4: ..... Conserve and enhance the existing character, form and pattern of the area's historic settlement, from single farmsteads to larger villages.

For example by:

- o Maintaining and managing the dispersed settlement pattern and form, in particular the relationship between farmsteads, hamlets and 'parish' villages linked by a network of winding sunken lanes that lack modern engineered features.

- o Using understanding of the area's traditional and historic architecture, including materials (cob, stone, thatch and pebble) and the distinct patterns of settlement, to inform appropriate conservation and use of historic buildings and the integration of renewable energy technologies, and to plan for and inspire new

## Devon Landscape Character Area Assessment

DCA Name: Sidmouth and Lyme Bay Coastal Plateau

Key management guidelines relevant to this site

### Protect

- o Protect the open and largely undeveloped character of the cliffs, avoiding the siting of new development and vertical structures on prominent skylines immediately above or along the coastline which is otherwise pristine.
- o Protect the character of the landscape's expansive sea views.
- o Protect the landscape's wild and highly tranquil qualities by promoting sustainable tourism and recreation which benefits the local economy throughout the year.
- o Protect and sensitively interpret the coastline's outstanding geological and geomorphic features and raise awareness of the dynamic nature of the coast.

- o Protect the historic character of the combe villages and their settings, ensuring limited new development or property extensions that incorporate local buildings styles (whilst seeking to incorporate sustainable and low carbon construction and design).
- o Protect the villages' contained form, resisting linear spread or coalescence.
- o Protect the landscape's network of winding rural lanes, resisting unsympathetic highway improvements (e.g. hedgerow/woodland cutting) or signage; promote sustainable transport options to reduce traffic levels during busy holiday periods.
- o Protect open emptiness of the coastal plateau and estuaries and the strong horizontal emphasis of these areas, avoiding the location of new development and vertical structures on prominent skylines.

### Plan

- o Plan to integrate existing and any new development such as parking, holiday accommodation and housing into the landscape effectively through careful attention to siting and, where appropriate to the relatively open landscape context.

Landscape Character Assessment details

LCT No:

1B

LCT Name

Open Coastal Plateau

Key Characteristics of relevance

- o A relatively large scale landscape, with a regular medium to large field pattern, dense low hedges, containing mix of species and occasional hedgerow oaks. Mixed land use, mainly arable.
- o Low settlement density, mainly limited to scattered farms or hamlets. There are also several campsites and caravan parks. Very winding narrow lanes, many sunken with high banks and flower-rich verges.
- o Extensive views along coast, often visible from South West Coast Path. Much of the LCT has a sense of openness and exposure. Context of open sky to the south and land to the north adds to the sense of place

Landscape Guidelines

Landscape Aims

Retain the Open Coastal Plateaux as a large-scale and predominantly undeveloped landscape which forms a positive setting and skyline to the coast, World Heritage Site, South West/ England Coast Path and several settlements. Incursion of development onto higher land should be avoided. Habitat diversity should be encouraged, particularly the establishment and linkage of coastal grassland. Archaeological sites and ancient coastal landscapes should be protected.

#### Protect

- o Open and undeveloped land which forms the setting to settlements.

#### Plan

- o Ensure that any development in adjoining LCTs/ urban areas is sympathetically screened using indigenous tree/ hedgerow species.

#### Further Comments

The plans for the proposed development look to retain the scale and character of the existing building reasonably well and this is welcomed and important to retaining the historic character of the associated Maer Farm complex; maintaining the road frontage in appearance whilst creating a functional property and importantly, keeping the appearance of being sub-ordinate the adjacent properties. The existing hedges serve an important function in the overall landscaping and this is particularly the case with respect to the south boundary of the barn property and the north road frontage, where the new hardstanding parking area is proposed for the Meetings. These should be retained as part of any permission to ensure the changes remain sympathetically screened to a road which is well used by walkers.

#### East Devon AONB Partnership Plan Strategy Policy Reference(s)

P2- provide advice and support on planning policy and development to enable the special qualities of the historic and landscape character of the AONB to be protected, conserved and enhanced.

#### Further references

Landscape Character Assessment & Management Guidelines for NCA, Devon and East Devon

East Devon AONB Partnership Plan (2019)

National Planning Policy Framework (NPPF)

#### EDDC Landscape Architect - Chris Hariades

The landscape proposals as indicated on the submitted site plan, drawing no. 19093 L01.01, generally appear acceptable in terms of landscape/ visual impact subject to confirmation of the following:

Visibility splays: It is not clear from the submitted details the extent of vegetation clearance required to create the required visibility splays and whether this will enable the retention of sufficient existing hedge to provide adequate screening to the proposed parking areas along the road frontage. Also the proposed ground treatment between the road edge and the line of the splays should be indicated.

Proposed foul drain run through garden of The Meetings: The indicated line of the proposed drain run shows it passing through the root protection areas of the two trees in the front garden of The Meetings. An arboricultural impact statement by a suitably qualified professional should be provided to verify that the proposed drain line will not adversely impact these trees, failing which an alternative line should be considered, possibly through the rear garden and out to the road via the proposed car park.

#### DCC Flood Risk Management Team

We are currently receiving a very high volume of both major and minor planning application consultation requests.

We note that we are not a statutory consultee for the above planning application because it is not classed as a major development. However, where Planning Case Officers have specific concerns regarding the surface water drainage aspects of minor planning applications, we are willing to provide advice where possible.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system. If we have been consulted in error, we would be equally grateful if you could let us know.

#### Other Representations

No third party representations have been received.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 22 (Development at Exmouth)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

#### Exmouth Neighbourhood Plan

Policy EN1

Policy EN3

Policy GA3

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

This application relates to a redundant single storey agricultural building situated on the southern side of Maer Lane, as well as an area of agricultural land to the east of the building and the immediately neighbouring property, known as The Meetings. Access to the site is off Maer Lane. Except for in the immediate vicinity of the site,

Maer Lane has a hedge on either side of it. The lane is a single carriageway lane, which also forms part of the local cycle network.

The site is located within the valley of the Littleham Brook and, consequently, the land rises to the south, and drops further into the valley on the northern side of the road. The southern side of Maer Lane is within the East Devon Area of Outstanding Natural Beauty (AONB) and the Coastal Preservation Area (CPA). These designations do not apply to land on the northern side of Maer Lane. All the land surrounding the site is outside the built-up area of Exmouth.

As well as the aforementioned neighbouring property, Maer Farm is located on the opposite side of the lane. That property is currently being converted into a number of residential units.

### **Proposed Development**

Planning permission is sought to convert the building into a residential property. This would also involve the erection of a single storey extension on the southern (rear) elevation of the property. It is also proposed to change of use of an area of agricultural land, to the east of The Meetings, into a parking area; this would serve The Meetings, as parking for that is currently within the site of the proposed dwelling. Parking for the proposed dwelling would be provided within its curtilage.

### **Consideration and Assessment**

The main issues for consideration are the principle of development, visual impact, and impact upon privacy, highway safety and ecology.

#### **Principle**

In planning terms, the application site is located in the countryside, where Strategy 7 (Development in the Countryside) seeks to protect the countryside and prevent unsustainable development. The Exmouth Neighbourhood Plan also contains a built-up area boundary which mirrors that of the Local Plan, so the site is also considered to be in the countryside by the neighbourhood plan.

However, the Local Plan also contains Policy D8 (Re-use of Rural Buildings Outside of Settlements) which, subject to meeting the criteria listed within the policy, offers support to development of the nature proposed by this application. Therefore, it is considered that planning policy offers general support for the proposal. The remainder of this report will consider whether the proposal meets the criteria listed in Policy D8, as well as examining other relevant matters.

Whilst Policy EN1 of the Neighbourhood Plan supports development within the Built-Up Area Boundary for Exmouth, it states that development outside of the BUAB is to be considered against Local Plan policies where the Neighbourhood Plan is silent. In this case Policy D8 of the Local Plan is the relevant policy.

The relevant criteria to Policy D8 are considered as follows.



### *The proposed use and sustainability*

It is proposed that the building will be converted to a dwelling, and to change the use of an area of land to domestic use. Whilst such uses are not always supported outside of built up areas, this is located close to other properties which are being converted to dwellings under permitted development (Class Q). One of the key reasons why residential development outside of built up areas is often not encouraged relates to sustainability, as such sites are often remote from services. However, this site is located very close to the built-up area boundary of Exmouth - with the boundary being approximately 160 metres to the south-west along Maer Lane, and approximately 310 metres to the north-west, via a public footpath. Within Exmouth, there is a wide variety of services. Furthermore, public transport, in the form of buses, is accessible on Douglas Avenue, at the end of the aforementioned public footpath, and also at the south-western end of Maer Lane, approximately 400 metres from the site.

Given the above, it is considered that the proposal is acceptable in terms of Policy D8 and being located close to a range of services and facilities.

### *Capable of conversion*

A structural survey was submitted with the application. That document concludes that the building is considered suitable for conversion and, therefore, it is considered reasonable to convert the building and that the proposal complies with that element of Local Plan Policy D8.

### *Design and Visual Impact*

The submitted plans indicate that the original form and design of the building would be retained on all elevations except the southern elevation, where an extension is proposed. The design is such that the existing openings would be identifiable, even if they are not retained as openings. The supporting statement indicates that the existing materials will be recycled and reused where possible, and the materials details provided on the plans are considered acceptable. Despite this it is considered reasonable to impose a condition, in the event that this application is approved, to ensure that the materials used to construct the extension match in type and texture, those of the rest of the development. The proposed materials are considered to be sympathetic to the rural nature of the building.

It is considered that the scale of the extension is appropriate in relation to the existing building.

Given the above comments, it is considered that the design of the proposal is acceptable.

### *Impact on the countryside, including the AONB and CPA.*

As well as being in the countryside, the site is also located in the AONB and CPA; both of those designations provide a level of protection, due to the significance of the landscape. Development within the AONB needing to conserve and enhance the landscape quality of the area.

The application site is located in a valley and adjacent to existing buildings. Those factors would reduce the visual impact of the works to the building to a very small distance, as they provide a significant amount of screening, especially when combined with the hedgerows on the road side and field boundaries in the area.

The proposed change of use would also have a limited visual impact upon the area, and that land is also screened from long distance views by the same features as the building.

It is notable that the East Devon AONB Team has not objected to the application and neither has the Council's Landscape Architect. The points raised by the Landscape Architect regarding the foul drainage run through the grounds of The Meetings received a response from the agent stating that an existing run through will be used. With regard to the Landscape Architects comments relating to the visibility splay and surfacing, it is considered that these details can be reasonable requested by condition.

In order to ensure that the design of the property remains suitable for the location, and that alterations which detract from the appearance are not made, it is considered to reasonable to remove permitted development rights for any alterations to the building. Furthermore, to prevent domestic structures within the curtilage being detrimental to the setting of the building, or impacting negatively on the countryside, it is considered reasonable to remove permitted development rights for outbuildings too.

Given these factors, and as the works would retain the appearance and character of the building, it is considered that the impact on the countryside, AONB and CPA would be acceptable. With regard to the proposal and the need to conserve and enhance the AONB, it is considered that the proposed, through its sympathetic design and re-use of a redundant building of deteriorating appearance meets this test and will enhance the appearance of this part of the AONB.

The proposal is considered to comply with the relevant Local plan policies as well as well as Neighbourhood Plan EN1.

### *Impact on Agriculture*

During a visit to the site, it appeared as though the building is not used for agricultural purposes. There is no indication in any of the information submitted with the application that the building now has any agricultural purpose. However, a small area of agricultural land would be lost to the proposed parking area. The scale of this is small and, therefore, considered that the proposal would not be detrimental to any agricultural uses in the vicinity.

### *Neighbour Impact*

A property known as The Meetings is located immediately adjacent to the site, and the relationship between that property and the application site is a close one. The building in question adjoins the front garden of The Meetings, and one opening would face onto it. However, the plans show that to be obscurely glazed. In order to prevent overlooking from that window, it is considered reasonable to impose a condition ensuring that the

window is permanently fitted with obscure glazing and is non-opening up to a height of 1.7 metres above the floor level of the room in which it is located. Furthermore, a condition to ensure that no further openings are created in that elevation is also considered reasonable.

Views toward The Meetings from windows in the rear elevation would be oblique and screened by boundary treatment.

The aforementioned permitted development right withdrawal would ensure that, following completion of the conversion, no alterations which are detrimental to the amenity of the occupiers of The Meetings are able to take place.

There would be openings on the front elevation of the property. Whilst these would face toward some of the properties currently under construction in Maer Farm, they are set back from the road which separates the two sites. Therefore, it is considered that no loss of amenity would arise from the openings on the northern elevation of the proposed property.

The proposed parking area is not considered to result in any detrimental neighbour amenity.

Given the above, the proposal is considered to comply with the neighbour impact elements of Local Plan Policies D1 (Design and Local Distinctiveness) and D8, as well as Neighbourhood Plan EN1.

### *Highway Safety*

It is proposed to provide visibility splays for the entrances onto the highway. These would enable vehicles to exit the site safely. The proposal would not result in a significant increase in traffic on the road. Given these factors, and has the County Highway Authority has not objected to the proposal, it is considered that the proposal is acceptable from a highway safety perspective.

### *Wildlife and Ecology Impact*

The application was accompanied by a wildlife survey, which concludes that the proposal would not have a detrimental impact on any protected species. The proposal is, therefore, considered acceptable in this regard, subject to a condition to ensure that the development is carried out in accordance with the conclusions and recommendations of the report.

### **Habitat Mitigation and Appropriate Assessment**

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths. Their European Habitat designations are such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council, and its neighbouring authorities of Exeter City Council and Teignbridge District Council, have determined that housing and tourist accommodation developments in

their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is, therefore, essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **CONCLUSION**

The proposal accords with all elements of Policy D8 of the Local Plan. In doing so, it is also considered that the proposal complies with other relevant Local Plan Policies and Strategies including Strategy 46 by conserving and enhancing the AONB through a sympathetic conversion bringing the building back into use, and EN1 of the Exmouth Neighbourhood Plan.

The proposal will result in a dwelling in close proximity to the BUAB of Exmouth and its associated facilities. The proposed design of the dwelling is acceptable and will not harm the landscape or amenity of nearby properties.

The application is therefore considered to be acceptable.

## **RECOMMENDATION**

- 1. ADOPT the Appropriate Assessment forming part of the report; and,**
- 2. APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until a landscaping scheme, relating to all areas of the development, including the vehicle parking and the visibility splays, has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment, as well as details of any hard surfacing. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning

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

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031 and Policy EN1 of the Exmouth Neighbourhood Plan).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no works within the Schedule 2 Part 1 Classes A, B, C, D, E, F, G or H, and Schedule 2 Part 2 Class A, for the enlargement, improvement or other alterations to the dwelling hereby permitted (other than works that do not materially affect the external appearance of the building), or for the construction of hard surfaces, other structures or fences within the curtilage of the dwelling, shall be undertaken.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the building and area, or harm to the amenities of adjoining occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031), and Policy EN1 of the Exmouth Neighbourhood Plan).

5. Prior to the first occupation of the dwelling hereby permitted, the windows shown on drawing numbers 19093 L02.10 (Rev A), 19093 L04.01 (Rev B) and 19093 L02.03 (Rev B), as being fitted with obscure glazing shall have such windows installed. Those windows shall remain fitted with obscure glazing in perpetuity. Furthermore, the obscure glazed window installed in the eastern elevation of the property hereby approved shall be non-openable to a height of 1.7 metres above the floor level of the room in which it is installed; this restriction shall also remain in perpetuity.

(Reason - To ensure that the amenity of the occupiers of other properties is not harmed, and to accord with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031), and Policy EN1 of the Exmouth Neighbourhood Plan).

6. The development hereby approved shall be carried out in accordance with the Protected Species Survey, dated September 2019, and produced by Richard Green Ecology.

(Reason - To ensure that no protected species are harmed during the course of the development, and to accord with Policy EN5, Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031), and Policy EN1 of the Exmouth Neighbourhood Plan).

7. Any materials used for external walls or roofs which are not recycled shall match in type, colour and texture those used on the existing building.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local

Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031 and Policy EN1 of the Exmouth Neighbourhood Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

19093 L01.10 rev A	Proposed Site Plan : visibility splays	28.05.20
19093 REV D	L01.01 Proposed Site Plan	28.05.20
19093 REV A	L01.10 Proposed Site Plan : VISIBILITY SPLAYS	28.05.20
19093 L02.10 rev A	Proposed Floor Plans : ground	28.05.20
19093 L02.11	Proposed roof plans	28.05.20
19093 L03.10 rev A	Sections : proposed	28.05.20
19093 L04.01 rev B	Proposed Elevation : north	28.05.20
19093 L04.02 rev B	Proposed Elevation : south	28.05.20
19093 L04.03 rev B	Proposed Elevation : east	28.05.20
19093 L04.04 rev B	Proposed Elevation : west	28.05.20
19093 OS rev A	Location Plan	28.05.20
	Protected Species Report	23.04.20

### List of Background Papers

Application file, consultations and policy documents referred to in the report.

**Ward** Sidmouth Town

**Reference** 20/0652/FUL

**Applicant** Lily and Violeta Lunan

**Location** 6 Willoughby House Peak Hill Road Sidmouth EX10 0NW

**Proposal** Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new rooflights to north elevation.



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>20/0652/FUL</b>	<b>Target Date: 27.05.2020</b>
<b>Applicant:</b>	<b>Lily and Violeta Lunan</b>	
<b>Location:</b>	<b>6 Willoughby House Peak Hill Road</b>	
<b>Proposal:</b>	<b>Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new roof lights to north elevation.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is brought before the Committee as the officer recommendation differs to the view of a ward member.**

**Willoughby House is a large and visually prominent building, sub-divided into six apartments, located on the higher slopes of Peak Hill within the countryside to the west of Sidmouth within the designated Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA). It features an attractive original three storey core with a particularly distinctive flint-faced principal east-facing elevation incorporating a pair of full height gables and two storey bays, featuring stone mullioned and transomed windows, with later less sympathetic single and two storey side extensions.**

**The application scheme proposes alterations to the building to create a privacy-screened roof terrace on part of the roof of the two storey northern extension for the occupants of one of the apartments at second floor level, along with a balustraded walkway and bridge to access a steeply sloping garden to the rear. Ancillary alterations, in the form of the installation of a pair of access doors to the terrace and walkway in the north elevation of the original building, are also proposed, together with further alterations involving the provision of a pair of Juliet balconies along second floor level windows in the principal elevation above the bay elements and the installation of a pair of roof lights in the north elevation to provide extra light to the living room and kitchen.**

**Whilst the concerns raised by the town council, ward member and interested third party are duly acknowledged, it is not considered that they amount to sustainable grounds upon which to resist the proposals, which have since been amended through officer negotiation to increase the height of the proposed privacy**

screening to the roof terrace from 1.5 metres, as originally proposed, to 1.75 metres.

Although prominent in medium and longer distance views, the building is not readily visible within the public domain from critical close range view. As such, and given the extent to which its character and appearance have already been compromised by the extensions that have been added, it is not considered that this would be further detrimentally affected by the proposed development or that it would detract from the scenic or landscape qualities of the wider AONB or CPA.

Furthermore, it is thought that the negotiated revisions to the height of the roof terrace screening would protect the privacy of the neighbouring occupier(s) at Harmonie to a sufficient level that objection on the grounds of an adverse privacy/amenity impact could be reasonably justified. This is also considered to apply in relation to the other elements of the scheme, including the walkway and bridge, especially given the existing level of overlooking that is available from the garden and the narrow width of these parts of the scheme that could not reasonably facilitate any use other than for access purposes.

Approval is therefore recommended subject to a condition to ensure that the privacy screening for the proposed roof terrace is provided prior to use and thereafter maintained in perpetuity.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council (Original plans)

##### **UNABLE TO SUPPORT**

- o The development would have a harmful effect on the visual impact of the local area being part of the ANOB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.

#### Parish/Town Council (Amended plans)

##### **UNABLE TO SUPPORT**

- o The development would have a harmful effect on the visual impact of the local area being part of the AONB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.
- o East Devon Local Plan strategy 23.2 Flat conversions can often have undesirable effects such as .... external stairways etc. that can damage the character and amenity of the area.

o Neighbourhood Plan Policy 7 Local Distinctiveness. Development proposals will be expected to have regard to the character of the immediate area ... reflecting the height, scale, massing, fenestration, materials, landscaping etc.

Sidmouth Town - Cllr Cathy Gardner (Original plans; no comments received re. amended plans)

I wish to object to planning application 20/0652/FUL, Extension at flat 6 Willoughby House on the following grounds:

Overlooking with loss of privacy and amenity for neighbours.

Impact of proposals on the overall design and appearance of the building.

The additional of any windows into a previously blank wall should be resisted given the impact on sight lines that will result. The original extension did give regard to the potential impact on neighbours from overlooking. Any terrace at that elevation is also likely to have a detrimental impact. Careful consideration should be given to the impact on Harmonie, which may not be completely evident from the plans, due to the lie of the land and orientation of the properties.

**Technical Consultations**

EDDC Trees

I have no objection on arboricultural grounds.

Other Representations

Representations of objection have been received in relation to both the original and amended plans from the occupier of Harmonie. A 'neutral' representation has also been received from the Chairman of the management company of Willoughby House.

Summary of Grounds of Objection

1. Overlooking from proposed terrace and bridge causing loss of privacy and amenity to house and garden; to provide sufficient privacy, screens for the terrace and bridge would have to be solid and a minimum of 2 metres high.
2. Bridge and terrace will be visible from Peak Hill Road, raising security concerns and the risk of inviting criminal activity.
3. Extension is outside of permitted development boundary and is inconsistent with the character of the original Victorian villa.
4. Contrary to design principles set out in paragraphs 124. 127 and 128 of the NPPF, the preamble to Policy H3 at paragraph 23.3 of the Local Plan in relation to undesirable external staircases that can damage the area's character and amenity and Neighbourhood Plan Policies 6 (Infill Development, Extensions and Trees) and 7 (Local Distinction).

Summary of Other Comments

1. Two elements to approval process; planning, and grant of permission as freeholders in accordance with the terms of leases.
2. Permission would require leases to be redrawn as flat roof area over which development would be constructed would need to form part of the demised premises of flat 6 and the owners to take full responsibility for future repairs and maintenance.

3. Would wish to have the comfort of a structural survey to confirm that load bearing capacity of existing structure can viably support the proposed development and sound and vibration transmission can be appropriately mitigated.
4. Wish for a new covenant to be drawn up to govern the number of persons permitted onto the roof terrace at any time and to prevent barbeques, as per the existing lease arrangements.
5. Aesthetically, the proposed structure would benefit the property if the balustrade could be extended the entire length of the front elevation of the flat-roofed extension, possibly without extending the terrace so as to show the neighbours some consideration.
6. No objection provided that details of these stipulations can be provided for agreement and/or form conditions of planning permission.

## **POLICIES**

### **Adopted East Devon Local Plan 2013-2031 Policies** Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

### **Made Sid Valley Neighbourhood Plan 2018-2032 Policies** 1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

### **Government Planning Documents** NPPF (National Planning Policy Framework 2019)

## **Relevant Planning History**

There is no previous history relating to Willoughby House that is material to consideration of the current application proposals.

## **Site Location and Description**

Willoughby House is a detached property, sub-divided into six apartments, that occupies an elevated hillside position on Peak Hill within the countryside to the west of the built-up area of Sidmouth. It is within the designated East Devon Area of Outstanding Beauty (AONB) and Coastal Preservation Area (CPA).

Along with a neighbouring residential property to the north, Harmonie, it is served by a shared private driveway off Peak Hill Road.

The building comprises an attractive original three storey core with rather unsympathetic later single and two storey additions to its south and north respectively. The original section features a pair of gable projections with two storey bays to either side of a centrally-positioned entrance porch to the east-facing principal elevation. This aspect of the building is of particularly well-proportioned and symmetrical appearance and incorporates elements of character and distinctiveness in the form of stone mullions and transoms and arched top lights to the ground and first floor level windows, including those on the bays, an arched entrance doorway in the porch with arch-headed window lights to either side under a gable feature with barge boards (which enhance what is otherwise a simple lean-to element) and projecting roof verges with barge boards with exposed purlins underneath the main slate roof.

The openings within the gables at second floor level are different to those below and appear to possibly be the result of more recent alterations. They are full height and contain glazed doors that provide access to the bay roofs.

However, this elevation belies the comparative ordinariness of the remainder of this part of the building, both architecturally and visually, together with the fact that the other three elevations are finished in face brick.

The additions to either side of the building represent a stark contrast, too, with elements such as flat roofs, painted roughcast render wall finishes, larger oblong windows with less sub-division and a lack of detailing of any visual or architectural interest.

Owing to its elevated position, the building is prominent in views from Peak Hill Road when ascending the hill from the town as well as from more distant views from other parts of the town such as the Esplanade and Salcombe Hill. From these the obviously taller three storey core and its flint wall finish tend to stand out visually from the mediocre extensions to either side.

The site is cut into the hillside, as evidenced by the fact that the building backs onto a steep landscaped bank that is almost two storeys in height, at the top of which is the site boundary with Peak Hill Road where it climbs/descends the steepest part of the hill through woodland.

The application proposal in this case relates to no. 6, the northern of the two apartments at second floor level, and the roof of the later two storey extension. This is itself formed in three distinct parts. The front section is squarer in section, and projects further from the side of the original part of the building, than the central and rear sections. Although both project off the side of the building by the same distance, the rear section incorporates a slightly higher roof and extends beyond the rear wall of the main building. Flights of steps provide access alongside this part of the building to the steep landscaped garden to the rear.

### **Proposed Development**

The scheme involves four principal elements as follows:

1. The creation of a roof terrace on the front section of the flat roof of the northern two storey extension together with the construction of a glazed front balustrade and privacy screening around the other two sides and ancillary alterations to form a new door to provide access to the terrace from the living room within the apartment.
2. The construction of a timber balustraded walkway and bridge along and beyond the rear section of the same extension, again with ancillary alterations to enlarge an existing full height bedroom window to create a doorway, to provide a connecting walkway, at second floor level, between the flat and the rear garden. This is proposed to create more convenient access between the apartment and the garden.
3. The introduction of glazed juliet balconies across both of the second floor level windows/doors in the principal elevation. These are proposed to provide greater safety when the doors are open.
4. The installation of 2no roof lights in the north elevation of the roof over the northern gable to serve the kitchen and living room areas.

The details, which have been the subject of negotiation, show 1.75 metre high 'hit and miss' timber boarding to form the proposed privacy screen for the terrace along its northern and western sides. The glazed front balustrade would however be of a lower height of around 1.2 metres to enable retention of the widespread views of the town, coastline and valley that the site enjoys.

The timber balustrading to the walkway and bridge would be of a similar height, although not of 'hit and miss' design, as would the glazed Juliet balconies.

It is intended that the timber be left untreated throughout so as to 'silver' over time.

### **Considerations/Assessment**

The principal issues that are material to consideration of the proposal, particularly in the light of the comments made by the town council, ward member and interested third party, relate to the impact of the proposed development upon the character and appearance of the building and the surrounding area and the impact upon the living conditions of the occupiers of the neighbouring property, Harmonie, mainly with regard to privacy.

### **Visual Impact**

There is an acceptance that the introduction of timber screening and balustrading at an elevated level of the building has the potential to be visually damaging to its character and appearance, as well as that of the wider AONB and CPA, not least on account of the already elevated position of the site within the landscaped setting of the town.

However, it is considered that the level of impact in this case would be mitigated by a number of key factors.

First, in spite of the visual prominence of the building from certain vantage points, closer views that are available of the front elevation of the building from the public domain are limited to medium distance from Peak Hill Road and glimpses from Cotmaton Road. Whilst the very southern end of the course at Sidmouth Golf Club lies in closer proximity to the site than these, it cannot be considered to constitute a point of public vantage. As such, it is thought that the impact of the proposed development, in the form of all of the various elements, would be diminished.

Moreover, this is all the more so when considered alongside the fact that the treatment of the 'front' of the proposed roof terrace balustrading would comprise glazing of a lower height than the proposed timber screens to the side and rear which would only largely present a leading edge and be set back from the front of the terrace respectively.

Furthermore, the site is set down sufficiently below the level of the steepest section of Peak Hill Road and screened from it by a combination of a roadside bank and mature trees as to prevent the likelihood of the proposed terrace screening, walkway and bridge being readily visible to pedestrians. Indeed, any such limited glimpsed views that are available would clearly look down on to the development and would be seen in the context of the flat roofs of the northern extension to the building, which it is thought already appear visually incongruous alongside the original core of the building. In such circumstances therefore, it is felt that the development would not result in any additional harm to the character or appearance of either the building or the area.

The building is not listed as being of special architectural or historic interest or located within any designated conservation area. Indeed, the existing building has already been compromised to some extent by the addition of the side extensions which exhibit a largely unsympathetic form, character and appearance in relation to the original building and it is not thought that this would be further detrimentally impacted by the scheme.

Equally, while it is acknowledged that AONBs carry the highest level of protection in relation to scenic and landscape beauty, as conferred by the National Planning Policy Framework (NPPF) and reinforced by the provisions of Strategy 46 of the Local Plan, it is not considered that this would be unduly adversely affected as a result of the proposed development on account of the balance of the above material issues.

### **Impact upon Privacy**

Turning to the impact upon the privacy of the occupier(s) of Harmonie, the scheme as originally submitted proposed timber privacy screening of a height of 1.5 metres along the northern and western sides of the roof terrace. However, this was considered by officers to be insufficient to prevent the potential for an overlooking impact upon terrace and garden within this property to be avoided. As such, the height of the screening was increased to 1.75 metres.

This height is now considered to be sufficient to prevent any such impact, more especially in view of the considerably elevated position of the proposed terrace in relation to the terrace and garden of Harmonie from which any views towards the

terrace would clearly be upwards, thereby accentuating the effectiveness of the proposed screening.

A height of 1.75 metres for the screening is also thought to be consistent when considered against the 'standard' of visibility at 1.7 metres height, without the need for obscuration or fixing, set out in the relevant provisions of the Town and Country Planning (General Permitted Development) Order in relation to the limitations and conditions placed upon the installation of side-facing windows above ground floor level. This is deemed sufficient to avoid any material impact upon neighbour privacy and amenity. As such therefore, screening of a height above this - as is proposed in this case - is felt to be equally acceptable.

While it is accepted that the lower height proposed for the front glazed balustrade could facilitate a degree of overlooking that could potentially result in some impact upon the privacy of the neighbouring occupiers, there are a couple of factors that it is thought should be weighed against this. First, the view that this balustrade would allow is essentially that of the town and coastline to the east and the Sid Valley and the 'tributary' valleys off of it to the north east. Secondly, in order to actively overlook the terrace and more neighbour sensitive part of the garden of Harmonie nearer to the property itself, it would be necessary to effectively look back, beyond ninety degrees, from the proposed terrace, which is less practical in reality.

The lower height of the proposed balustrading to the walkway and bridge is such that some overlooking of Harmonie would be unavoidable at such times as they are in use. However, as a matter of degree, it is not considered that the level of this impact would be materially harmful. Any person working in or otherwise enjoying the garden at present would have the benefit of an uninterrupted view of Harmonie and its garden. Whilst the proposed walkway and bridge could facilitate this to a greater extent, the likely reality is that the level of any such additional impact would not be so significant as to justify opposing the development on such grounds. The walkway and bridge would only be of a width that would allow for walking to and from the apartment and the garden and would not be designed for being used in the same way as the proposed roof terrace. Certainly, if they were, it is felt that there would be wholly justifiable overlooking/privacy concerns. However, since this is not intended or practical, it is not considered that these could reasonably be upheld.

Overall therefore, taking these factors into consideration, it is not thought that an objection on the grounds of an unacceptable overlooking/privacy impact upon the occupier(s) of Harmonie from the proposed development could be readily substantiated in the event of a refusal of permission on such grounds. In this regard, the same is also thought to apply in relation to the other elements of the scheme relating to the proposed Juliet balconies and roof lights.

## **Other Matters**

Many of the stipulations made by the management company relate to matters that are largely beyond the remit of this application, such as the structural load bearing integrity of the existing flat-roofed extensions to accommodate the proposed screen, walkway and bridge and mitigation of vibration transmission, and cannot therefore be taken into



consideration in assessing the merits of the proposed development on Planning grounds.

In terms of the use(s) of the proposed roof terrace, there is no objection from a Planning perspective provided that it/they are for purposes related to the use and enjoyment of the apartment as such.

## **CONCLUSION**

The application proposes change to the flat that will slightly alter the appearance of the building and have potential to overlook a neighbouring dwelling.

Whilst the creation of the balconies, privacy screens and introduction of larger door and rooflights will change the appearance of the building, this is not to an extent that will be harmful given that the building has already been extended in an unsympathetic way through the flat roofed side extensions.

The changes will be visible from mainly medium and longer views but are not in themselves harmful to the building or significant enough to cause harm to the wider area, AONB or Countryside Protection Area.

With regard to protecting privacy, the introduction of the privacy screen to the balcony area at 1.75m in height is sufficient to protect the amenity of the adjoining property, particularly in light of the existing mutual overlooking from the existing garden.

In light of the above the proposal is considered to be acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The roof terrace hereby permitted shall not be brought into use until the privacy screen (annotated '1750mm high hit and miss timber screen') shown on drawing nos. 278-4F and 278-5F has been constructed in full. It shall thereafter be retained in perpetuity.  
(Reason - In the interests of safeguarding the privacy and amenities of the occupiers of the neighbouring residential property Harmonie in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

278-4F (amended)	Proposed Elevation	19.05.20
278-5F (amended)	Proposed Elevation	19.05.20
278-LOC	Location Plan	23.03.20
278-3D	Proposed Plans	Combined 23.03.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.

**Ward** West Hill And Aylesbeare

**Reference** 20/0228/FUL

**Applicant** Littleham 2010 Limited

**Location** Barns At Barton Farm Village Way Aylesbeare  
Exeter EX5 2FF

**Proposal** Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development



## RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment within the report be Adopted; and,
2. That the application be Approved subject to completion of a legal Agreement and subject to conditions.



		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>West Hill And Aylesbeare (Aylesbeare)</b>	<b>20/0228/FUL</b>	<b>Target Date: 03.04.2020</b>
<b>Applicant:</b>	<b>Littleham 2010 Limited</b>	
<b>Location:</b>	<b>Barns At Barton Farm Village Way</b>	
<b>Proposal:</b>	<b>Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development</b>	

**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment within the report be Adopted; and,
2. That the application be Approved subject to completion of a legal Agreement and subject to conditions.

**EXECUTIVE SUMMARY**

This application is before members of the planning committee because the officer recommendation differs from that of the ward member.

Planning permission is sought for the conversion of two redundant agricultural buildings into five residential dwellings. The site is within the countryside where there is support within the Local Plan and the NPPF for the re-use of redundant rural buildings for a residential use. Whilst it is accepted that the site isn't the most sustainably located in terms of its accessibility to a wide range of services and facilities, there are some facilities within the village that would be readily accessible such that it is considered that the proposal gains support under Policy D8 of the Local Plan that allows the conversion of buildings to residential use where located close to services and facilities. It should be recognised that the policy has been written to apply to the re-use of rural buildings outside of settlements such that accessibility to a wide range of services and facilities is likely to be less readily available because of the location of rural buildings outside of Built-Up Area Boundaries.

The proposed conversion scheme is considered to be acceptable in terms of its design and would not have any significant adverse impact on the character and appearance of the area or the setting of heritage assets, the residential amenities of the occupiers of surrounding properties, highway safety or ecology and biodiversity.

**The proposal is therefore considered to be acceptable and is therefore recommended for approval subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### West Hill And Aylesbeare - Cllr Jess Bailey

This application does not satisfy policy D8 of the Local Plan (Re-use of rural buildings outside of settlements). To satisfy this policy it must be established that the development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Without a single shop and with a virtually non-existent bus service in Aylesbeare I cannot see that the development satisfies this criteria and I therefore object.

#### Parish/Town Council

Comments: Aylesbeare Parish Council has concerns regarding this application and would like to know the following:-

1: Parking. Aylesbeare already has a problem with parking and this development will reduce the availability of parking in Village Way (given the visibility lines). The Council feels that 2 spaces per unit is insufficient as often each adult in a house needs a car to get to work. Is there any provision for visitors' parking? If not this will lead to more pressure on the surrounding roads.

2: Drainage. Application 90/P0758 gave permission for 2 slurry tanks at this property. Have these been fully accounted for in the plans? Furthermore, the Council notes that the surge tank will release water towards the Churchyard. Will the arrangements prevent flooding to both the Churchyard and the area of adjacent land which the Church has bought for future burials? The Council needs to be sure that the burials, both current and future, will not be disturbed by flood events.

3: Recycling. The provision for recycling/landfill containers looks too small for the number of containers East Devon District Council's scheme requires. The Council is concerned that a standard provision for 2 bins (which many Districts use) has been applied to these properties. Will there be room for all the recycling bins?

As long as the above important considerations are addressed Aylesbeare Parish Council has no objections to the development.

### **Technical Consultations**

#### Devon County Highway Authority

A pre-application enquiry and site visit was carried out for the site in question on the C306 road in late 2019 in association with the transport consultant to secure the best visibility and accessibility infrastructure for the purpose of the full application.

The submitted planning application accords with the recommendations, facilitating a 5.5m wide off-carriageway access to the courtyard through reducing the boundary wall

in length on one side and reconstructing on the other side. This will also ensure a visibility envelope of 2.4m by 43m in both directions is obtained.

The internal site layout includes secure cycle storage, a well located bin store and dedicated parking.

The 30mph speed limit and geometry of the village road maintains the speed upon the local highway network and the trip generation from this development would be on similar levels to that of the previously fully operational agricultural use.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Conservation

CONSULTATION REPLY TO  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Barns At Barton Farm, Village Way, Aylesbeare

GRADE: Setting II\* APPLICATION NO: 20/0228/FUL

CONSERVATION AREA: N/A

PROPOSAL: Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

These barns are of some significance as they form part of a historic farm complex of buildings. They are evidenced in late 19th century mapping. The Devon Historic Environment Record has an entry record with reference to the Southern aspect of the farm buildings. It makes reference to; "Orchard banks of probable post medieval to modern date....a visible series of linear earthwork banks..".

These farm buildings are sited just North of the historic settlement boundary, but form part of the setting to the grade II\* church to the South-West of the site. There is minimal harm to the setting of the heritage asset. It does not seem to be locally listed, however, it retains value by its historic site, traditional settlement and traditional materials.

The proposal is an interesting design that is sensitive to the historic fabric and historic use and their subsequent openings. The materials reflect the local vernacular. There are many rooflights that are slightly excessive for such a characterful roof for Barn 1.

The main concern is the division of the farm courtyard, although it has been evidenced that it has been carefully considered. The private spaces diminish the openness, with the permanence of the fixed iron rail. It is appreciated that this in itself is quite transparent. It is suggested that there is a condition for details of hard landscaping (perhaps a less fixed option of boundary?) and any external fixings such as security lighting and meter boxes, as it is these things that create modern, visual clutter to an otherwise rural courtyard.

## PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Further comment:

It is appreciated that initial concerns have been considered, although it is still a shame to lose the original East gable wall to Barn 1, but this has been mitigated against to some degree.

There remains a concern to the success of the overall design concept regarding details such as metre boxes fixed to the main elevations, however, this could be simply resolved through a suitable condition.

Suggested conditions are; Samples of materials including sample panel of rebuilt East wall (in lime mortar), Landscaping and external fixings, window and door details (including rooflights).

Recommend support.

### Environmental Health

I have considered the application and do not anticipate any environmental health implications once constructed as this site is in the centre of an area which is already residential. However in view of the very close by neighbours I consider that a Construction Environment Management Plan complying with the EDDC Construction Code of Practice would be essential.

Further comments:

We have concerns with the potential for significant conflict between the proposal and the potential legitimate use of remaining farm buildings and farmyard, including access track, both in close proximity to the proposed dwellings. In particular:-

1. The northern access track leading to the retained farm(yard) areas, which runs from the main road close to the north and west-facing walls of the proposed residential Units 1-4. As the track turns southwards some but not all of the frontage of Units 1-4 is shielded from that section of the track by Unit 5. I also note that the proposed residential Unit 5 main entrance opens directly onto this narrow access lane.

2. The remainder of what is described as 'the currently disused Farm Complex'.

Within the submitted Planning Support Statement at 2.6 it is stated that 'The associated agricultural land beyond the farm buildings is retained by the former tenants (Devon County Council) and will be dispersed to their other agricultural holding

tenants. This in turn will make those other agricultural holdings larger and more economically viable.'

It is not clear from the documentation what may happen with the remainder of the currently disused Farm Complex: whether that land might be included at some point as part of the afore-mentioned dispersal to be used by other agricultural holding tenants; or potentially other uses under permitted development rights. Either of those options may foreseeably result in significant adverse impact including noise from occupiers of the remaining farm complex exercising an existing right of occupancy and use. In which case the existing access track might then carry vehicles serving an employment area, of business or farming activity, including storage.

In summary, the application appears to carry a risk of adverse impacts from both commercial or farming traffic on the access track around the proposed residential development, and the exercise, on the associated land immediately to the west and south, of existing rights to agricultural, business or commercial activity. Both factors could foreseeably cause significant adverse impact including noise to the proposed residential units.

In the above circumstances an application would need to demonstrate how such adverse impacts would be reduced to an acceptable level.

Given the above concerns, this Department must object to the development in its current form.

Further comments:

Broadly that would solve the problem: good one.

One caveat: the sound of farm vehicles going around the site on the access route which hugs the back wall will be heard in the dwellings, through a single or standard double-glazed window, as a significant, prominent event (very, if the window is open for ventilation). I take the expectation of occasional use at face value.

I note also the agent's views on the effect of small window openings, thick walls and noise control. The reality is that the sound insulation qualities of the structure will be largely determined by the weakest link – the windows.

My strong advisory in the particular circumstances of this development, and anticipating that double glazing of some sort would be standard, I would recommend that tertiary acoustic glazing (typically a 7cm gap to a third panel of glass, this is effective against low frequency vehicle noise) fitted to the four small windows would be a wise and (given their small size) not too costly addition. Without that measure, in the absence of any controls on times or frequency of occurrence for farm vehicle movement around the site, bouts of annoyance to the occupiers would be allowed.

#### Historic England

Thank you for your letter of 6 May 2020 regarding further information relating to the above application for planning permission. On the basis of the information available



to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### Other Representations

1 letter of support has been received (stating that the proposal will be positive for the village and has adequate parking and access) and 1 letter of objection raising concerns which can be summarised as:

- Noise from construction
- Traffic and parking arising from a lack of parking provision and unsuitability of the access
- Lack of infrastructure in Aylesbeare to serve new occupiers.
- The need for social distancing during construction

### PLANNING HISTORY

Reference	Description	Decision	Date
11/2799/FUL	Construction of cover over existing yard	Approval with conditions	06.02.2012

### POLICIES

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

#### **Site Location and Description**

The site refers to Barton Farm located on the northern edge of the village of Aylesbeare. It consists of a farmhouse and cottage (outside of the application site) with two redundant farm buildings lying to the north of a courtyard. The farm building to the north of the site (barn 1) consists of a brick and stone building with an existing first floor at the east and west end under a corrugated iron roof. The farm building to the west is of brick construction with elements of pebbled cobbled walling under a corrugated iron roof. It has large opposing doorways and a number of smaller openings. It is predominantly single storey with a timber mezzanine floor at the southern end. There are a number of disused farm buildings located to the west of the site. The site is served by an existing vehicular access off Village Way, a 'C' class road.

Aylesbeare does not have a built-up area boundary and therefore in planning terms the site is located in the countryside. There are no national or local landscape or townscape designations. St Mary's Church to the south west of the site is a grade II \* listed building.

#### **Proposed Development**

This application seeks planning permission for the conversion of the two redundant barns into residential dwellings. Barn 1 to the north would be converted into a terrace of four two bedroom houses with small south facing gardens facing the courtyard. It is proposed to convert barn 2 to the west into a three bedroom single storey dwelling with amenity space to the south and west. The proposal includes the demolition and re-building of the east gable wall to barn 1 one metre to the west to accommodate the proposed visibility splay for the access which would be re-positioned three metres to the south to improve visibility onto the public highway. The courtyard would be re-configured to provide 10 car parking spaces, a bin and bike store.

#### **Issues and Assessment:**

The main issues to consider in determining the application relate to the following:

- The policy context and the principle of development
- The impact on the character and appearance of the buildings and the surrounding area
- The impact on residential amenity

- Highway Safety and Parking
- Ecology
- Heritage Impact

## **Policy Context and the Principle of Development**

Paragraph 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, whilst there are a limited range of facilities within Aylesbeare, the site is located within walking distance of a village hall, a church, a public house and playing fields with a children's play area. Aylesbeare does not however contain a wide range of facilities such as a school, shop or doctors surgery and has limited employment opportunities to consider the village to be a sustainable settlement such that it is likely that the occupiers of the new dwellings would use a private car for many of their day to day needs. There is no reliable bus service in close proximity to the site - the no 56 stops once in the village from Exmouth on weekdays to provide a service into Exeter and once on return from the city centre.

Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more criteria apply of which the following is one:

(c)- The development would re-use redundant or disused buildings and enhance its immediate setting.

The proposal would comply with paragraph 79 insofar as it would re-use redundant agricultural buildings on the site.

Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan sets out the settlements within the District which offer a range of accessible services and facilities to meet many of the everyday needs of local residents with public transport. It is acknowledged that Aylesbeare is not listed under this strategy. Aylesbeare does not have a built-up area boundary and therefore is considered to be located within the countryside.

The site is located within the countryside where under the provisions of Strategy 7 (Development in the Countryside) of the Local Plan development is strictly controlled. Strategy 7 states development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan supports the re-use or conversion of buildings in the countryside where:

1. The new use is sympathetic to and will enhance the rural setting and character of the building and surrounding area and is a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality, and c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents:

Comment: The site is located within the village of Aylesbeare which is not considered to be highly sustainable in terms of the range of services and facilities or access to reliable public transport to support everyday living. It is therefore accepted that future occupiers would be dependent on the use of the private car for many journeys.

However, as stated above, the site is located within walking distance of a village hall, a church, a public house and playing fields with a children's play area, and will not therefore substantially add to the need to travel by car or lead to dispersal of activity on a scale that would prejudice village vitality. In addition, the proposal will enhance the setting and character of the building and surrounding area.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting.

Comment: The application is accompanied by Structural Survey which concludes that barns 1 and 2 are structurally sound and suitable for habitable conversion subject to a number of recommendations in the report. A condition is recommended to ensure that the development is carried out in accordance with these recommendations to ensure that the development constitutes a conversion and no substantial re-construction or re-build is required.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with the surroundings, local building styles and materials, and b) that its conversion will enhance its setting – e.g. through removal of modern extensions and materials, outside storage, landscaping etc.

Comment: Discussed in more detail in later sections of the report, the applicant has amended the proposal to address a number of concerns regarding the extent of the changes, roof lights etc. which would ensure that the proposal is sympathetic to the agricultural character of the existing buildings and that the general design approach to the conversion scheme would be in keeping with the surroundings and not adversely impact on the semi-rural character and appearance of the area.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution of the erection of associated structures.

Comment: It is not considered that the scale or nature of the development would give rise to significant additional traffic movements to and from the site. The proposal makes adequate provision for parking and storage within the scheme. Any additional buildings or further development of the site would require planning permission and any application would be then determined on its individual merits.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function and a) the building is no longer required for agricultural use or diversification purposes.

Comment: The barns are currently redundant and are not in agricultural use.

Whilst it is accepted that the site isn't the most highly sustainable location in terms of its accessibility to a wide range of services and facilities, there are some facilities within the village that would be readily accessible such that it isn't considered that the site is so remote or isolated as to justify refusal in terms of the principle of the residential conversion.

Whilst it is marginal whether the proposal complies with Policy D8 in terms of the relation to a range of services and facilities, it should be recognised that the policy has been written to apply to the re-use of rural buildings outside of settlements such that accessibility to services and facilities is likely to be less readily available because of the location of rural buildings outside of settlements.

In addition, there is planning policy support due to the visual enhancement that the proposal will make to the buildings that are located within the village.

On balance, the principle of residential development is considered to be acceptable.

### **Character and Appearance and Heritage Impact**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Criteria 3 of Policy D8 requires the form, bulk and general design of the building and its proposed conversion to be in keeping with its surroundings, local building styles and materials.

The advice of the Council's Conservation Officer has been sought who has advised that the barns are of some significance as they form part of a historic farm complex of buildings. They are evidenced in late 19th century mapping. The Devon Historic Environment Record has an entry record with reference to the Southern aspect of the farm buildings. It makes reference to; "Orchard banks of probable post medieval to modern date....a visible series of linear earthwork banks..".

Whilst these points are noted, the Conservation Officer has advised that the barns are not considered to be non-designated heritage assets, or worthy of local listing - however, they have significance by their aesthetic values, local materials, setting, traditional arrangement and form an important group including the farmhouse and in the wider setting (including the church). These farm buildings are sited just North of the historic settlement boundary, but form part of the setting to the grade II\* church to the South-West of the site. There is minimal harm to the setting of the heritage asset.

It does not seem to be locally listed, however, it retains value by its historic site, traditional settlement and traditional materials. It is therefore important to secure a conversion scheme that is sympathetic to the original form and appearance of the former agricultural buildings.

The conversion scheme is considered to be sensitive to the historic fabric and use of existing openings. Whilst the proposal regrettably proposes to demolish the Eastern gable for the sake of visibility it does propose to re-build as is. It is accepted that it would be preferred if the gable was not demolished and with no new openings added as this is a very prominent and significant elevation of the entire site and one of the few historic elevations remaining however on the basis that the building isn't a non-designated heritage asset or worthy of local listing and that the re-positioning of the gable end would allow for improved visibility at the access, it isn't considered that its loss would be significantly harmful to sustain an objection.

A number of concerns have been addressed through the submission of amended plans which have sought to reduce the domesticity of the proposed conversion. In particular concerns about the number of rooflights on barn 1 have been reduced and only included where necessary. A porch feature has been removed which undermined the linear character of the barn. No new openings are proposed on the roadside gable which would reduce the impact on the character of the barn. It is considered that these changes result in a conversion scheme more sympathetic to the simple and linear form of the agricultural buildings.

A final concern raised by the Conservation Officer is in relation to division of the farm courtyard where the private spaces were considered to diminish the openess, with the permanence of the fixed iron rail. To address these concerns the boundary treatment to the dwellings has been revised so that whereas both railings and low hedge were originally proposed to establish the boundary of the units, it is now proposed that only the hedge be used. This would help to retain the openess of the courtyard whilst still providing future owners with clearly demarked areas of defensible space.

On balance, having regard for the above and the changes that have been made, it is considered that the proposed conversion scheme is acceptable and would comply with the provisions of policies D8 and D1 of the Local Plan subject to a condition requiring the submission of a more detailed landscaping scheme for soft and hard landscaping, external fixings such as security lights and meter boxes and removal of permitted development rights.

## **Residential Amenity**

Policy D1 of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining properties. In terms of the relationship with neighbouring properties, it is the former farmhouse and attached cottage that is most likely to be affected. The barns are separated by a courtyard which would ensure that levels of privacy are maintained despite sharing a fairly close relationship. Whilst introducing residential uses into the building would have a degree of impact on the occupiers of these properties, it is considered that a residential use would be more benign in terms of vehicle movements, noise and activity particularly in the context of the existing

agricultural use of the site which could resume at any point. Overall, the proposed relationship between the converted barns and the existing dwellings is considered to be acceptable and it isn't considered that there would be any significant harm to the occupiers of these properties to sustain an objection.

Policy D1 also requires that proposals do not adversely affect the amenity of the occupants of proposed future residential properties and Policy EN14 (Control of Pollution) states that permission will not be granted for development which would result in unacceptable levels either to residents or the wider environment in terms of noise, odour, dust or smoke etc. The Council's Environmental Health Officer originally objected to the proposal on the basis of potential for significant conflict between the proposal and the potential legitimate use of remaining farm buildings and farmyard, including access track, both in close proximity to the proposed dwellings. In particular:-

1. The northern access track leading to the retained farm(yard) areas, which runs from the main road close to the north and west-facing walls of the proposed residential Units 1-4. As the track turns southwards some but not all of the frontage of Units 1-4 is shielded from that section of the track by Unit 5. I also note that the proposed residential Unit 5 main entrance opens directly onto this narrow access lane.
2. The remainder of what is described as 'the currently disused Farm Complex'.

Within the submitted Planning Supporting Statement at para 2.6 it is stated that 'The associated agricultural land beyond the farm buildings is retained by the former tenants (Devon County Council) and will be dispersed to their other agricultural holding tenants. This in turn will make those other agricultural holdings larger and more economically viable.'

It is not clear from the documentation what may happen with the remainder of the currently disused Farm Complex: whether that land might be included at some point as part of the afore-mentioned dispersal to be used by other agricultural holding tenants; or potentially other uses under permitted development rights. Either of those options may foreseeably result in significant adverse impact including noise from occupiers of the remaining farm complex exercising an existing right of occupancy and use. In which case the existing access track might then carry vehicles serving an employment area, of business or farming activity, including storage.

In summary, the application appears to carry a risk of adverse impacts from both commercial or farming traffic on the access track around the proposed residential development, and the exercise, on the associated land immediately to the west and south, of existing rights to agricultural, business or commercial activity. Both factors could foreseeably cause significant adverse impact including noise to the proposed residential units.

To address these concerns the applicant has agreed to enter into a Unilateral Undertaking which limits the future use of the retained buildings and land to dry storage purposes only and prohibits their use for any other purposes (livestock and slurry). This has been considered by the EHO who has advised that this approach would be acceptable subject to a condition that requires the use of tertiary acoustic glazing to

the four windows on the northern elevation of barn 1 which would help to reduce the impact of noise from use of the access into the farm buildings.

Subject to the UU and conditions securing the tertiary glazing, this approach is considered to be acceptable and would ensure that future occupiers of the development have a good standard of amenity.

### **Highway Safety and Parking**

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. 10 car parking spaces and bike storage is proposed for the 5 houses meeting this guidance.

It is understood that the applicant engaged with the County Highway Authority at an early stage and that a site visit was carried out for the site on the C306 road to secure the best visibility and accessibility infrastructure for the purpose of the full application.

The CHA has advised that the proposal accords with the recommendations, facilitating a 5.5m wide off-carriageway access to the courtyard through reducing the boundary wall in length on one side and reconstructing on the other side. This will also ensure the required visibility envelope of 2.4m by 43m in both directions is obtained. The internal site layout includes secure cycle storage, a well located bin store and dedicated parking.

The 30mph speed limit and geometry of the village road maintains the speed upon the local highway network and the trip generation from this development would be on similar levels to that of the previously fully operational agricultural use.

Whilst local concerns have been raised about the impact of the proposal on highway safety, in the absence of any objections from the CHA it isn't considered that an objection could be sustained on highway safety grounds. The proposal is considered to comply with the provisions of policies TC7 and TC9 of the Local Plan.

### **Ecological Impact**

The application is accompanied by an Ecological Survey prepared by Richard Green Ecology who have undertaken a daytime visual inspection of the buildings for bats and birds. Brown Long Eared bat droppings were found on the mezzanine of barn 1 but no evidence of bat use was found in barn 2. The ecologist concludes that given the proximity of barn 2 to a confirmed bat roost in barn 1, it is of moderate suitability to support roosting bats along with the open fronted lean-to at the front of the site. Given this, the ecologist recommends at least 2 bat emergence or dawn surveys be



undertaken between May and August in order to identify bat species, numbers present and type of use etc.

Further emergence surveys found brown long-eared bats inside of the Dairy in early July and in building 2.

In mitigation, a dedicated bat loft suitable for use by brown long-eared bats (and other bat species) is proposed to be provided above Building 2.

Whilst the works to the barns will require a European Protected Species Licence from Natural England, subject to a condition requiring the development being carried out in accordance with the mitigation measures contained within section 5 of the ecology report, it is considered that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

### **Habitat Regulations and Appropriate Assessment**

The nature of this application and its location close to the Exe Estuary and/or Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been offered through a Heads of Terms which could be secured through a S106 agreement should planning permission be granted. On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **Flood Risk and Drainage**

The site falls within in an area at lowest risk of flooding (flood zone 1) such that the proposed development is not considered to be at risk from flooding from any source.

The application is accompanied by a drainage strategy prepared by a suitably qualified drainage consultant which proposes that surface water is collected directly from downpipes by a dedicated below ground network and discharged to an attenuation tank that would be located beneath the northern access area. It is stated that flows would be controlled to a rate of 2.2 l/s with water discharging into an existing surface water drain located in the south west of the site which drains into a ditch/ minor water course to the south west. It is also stated that the permeability of the site would reduce

from the existing 100% to approximately 73% through the proposed surface water drainage strategy.

Foul drainage from the development is proposed to be connected to the combined sewer within Village Way to the east of the site.

Subject to conditions which require the development to be carried out in accordance with the drainage strategy, it is considered that the proposal complies with policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

## **CONCLUSION**

Planning permission is sought for the conversion of two redundant agricultural buildings into five dwellings.

The site is within the countryside where there is support within the Local Plan and the NPPF for the re-use of redundant rural buildings for a residential use, particularly where they will enhance the appearance of the site.

Whilst it is accepted that the site isn't within a Built-Up Area Boundary, there are some facilities within the village that would be readily accessible such that it is considered that the proposal gains support under Policy D8 of the Local Plan that allows the conversion of buildings to residential use where located close to some services and facilities and subject to a number of other criteria that are met.

The proposed conversion scheme is considered to be acceptable in terms of its design and would not have any significant adverse impact on the character and appearance of the area or the setting of heritage assets, the residential amenities of the occupiers of surrounding properties, highway safety or ecology and biodiversity.

The proposal is considered to be acceptable and is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment within the report be Adopted; and,**
- 2. That the application be Approved subject to completion of a Legal Agreement and subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

### Materials

3. Prior to the installation of any doors, windows or replacement roof coverings to the barns, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs, doors and windows of the barns shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the building in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)
4. Prior to demolition of the eastern wall of barn 1 samples of materials including a sample panel of rebuilt East wall (in lime mortar) shall be made available for inspection to be approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the building in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)
5. All new windows and doors indicated on the approved plans shall be made of timber only and no other materials. Prior to their installation details of the new windows and doors including sections, mouldings, profiles and paint colour shall be submitted to and approved in writing by the Local Planning Authority.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)
6. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of their installation. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing buildings in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)
7. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be carried out in accordance with the approved details. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing buildings in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

#### Landscaping:

8. Notwithstanding the submitted details, within three months of commencement of the development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences, external fixings and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. Any walls and/or fences shall be erected in accordance with the approved details within the curtilage of each dwellinghouse before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.  
(Reason - To ensure that the details are considered at an early stage in the interests of preserving and enhancing the character and appearance of the buildings and/or protecting the privacy of local residents in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
9. None of the dwellings hereby permitted shall be occupied until the hard surfacing of the shared access and the respective parking and private amenity areas have been provided in accordance with a hard landscaping plan showing materials and finishes which shall previously have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the buildings in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)

#### Facilities:

10. No part of the development hereby approved shall be occupied until the access works and visibility splays have been provided in accordance with the details shown on drawing no. P\_01 rev P3. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013 - 2031.)

11. The dwellings hereby permitted shall not be occupied until the respective parking areas have been provided in accordance with the approved plans.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013 - 2031.) The land indicated on the drawings for the parking of vehicles shall not be used for any other purpose, unless an alternative and equivalent area of land within the curtilage of the site is provided and kept available for car parking purposes.
12. No part of the development hereby approved shall be brought into its intended use until the cycle parking and bin storage facilities indicated on drawing no. 18102 00 01 rev B have been provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority showing the design, materials and finishes of the bin and cycle stores. These facilities shall thereafter be permanently retained and maintained for those purposes.  
(Reason - To ensure that adequate facilities are available for future occupiers in accordance with policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

Amenity:

13. Prior to the commencement of development hereby approved, a Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Local Planning Authority and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
14. Notwithstanding the submitted details, no part of barn 1 hereby approved shall be occupied until Tertiary glazing has been installed in the northern elevation in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details with tertiary glazing remaining in place unless otherwise agreed in writing by the Local Planning Authority.  
(Reason: To ensure a good standard of amenity for future occupiers of the development in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

Ecology:

15. The development hereby approved shall be carried out in accordance with the mitigation measures contained within Section 5 of the Protected Species Survey and Ecological Mitigation Statement prepared by Richard Green Ecology dated July 2020.

(Reason: To ensure that the mitigation and enhancement measures necessary to compensate for the loss of habitat for protected species is implemented in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031)

Permitted Development Rights:

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A,B, C, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason – To maintain the character of the barns where any alterations to their external appearance would require careful consideration in accordance with Policies D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031. and advice contained in the National Planning Policy Framework)

Drainage:

17. Foul and Surface water drainage arrangements shall be undertaken in accordance with those submitted as part of the Drainage Strategy and Flood Statement prepared by Clarke Bond (Document Ref: E05303/FS+DS) received 3<sup>rd</sup> March 2020, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any of the converted buildings on the site are occupied.

(Reason: To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

Plans relating to this application:

19.628/PJT/B	Structural Survey	03.02.20
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drainage strategy/flood statement	General Correspondence	03.02.20
18102 OS Rev A	Location Plan	07.02.20
P_01 rev P3 : general arrangement/visi bility splays	Other Plans	03.02.20
18102 00 06 rev B barn 2	Proposed Combined Plans	31.07.20
	Protected Species Report	31.07.20
18102 00 01 rev B	Proposed Site Plan	04.05.20
18102 00 03 rev A floor/ roof barn 1	Proposed Combined Plans	04.05.20
18102 00 04 rev A elevations/ section barn 1	Proposed Combined Plans	04.05.20

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.