

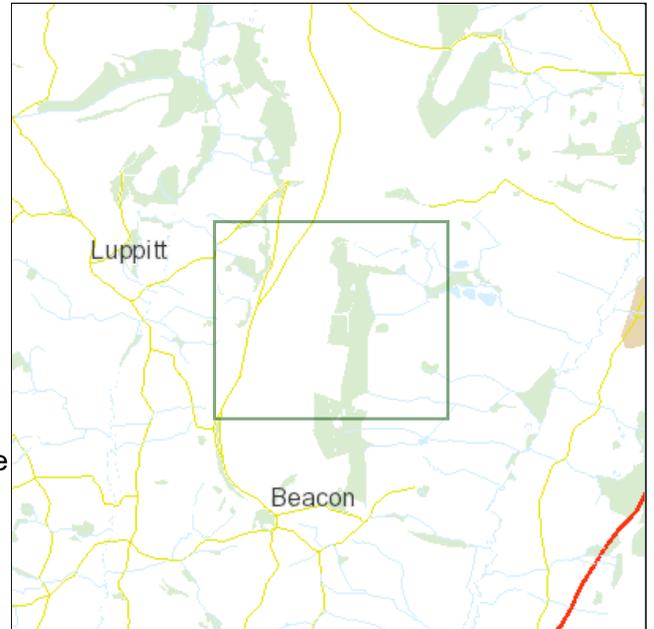
**Ward** Dunkeswell And Otterhead

**Reference** 21/1584/FUL

**Applicant** Jutindharo (for HBMT)

**Location** Odle Cottage Upottery Honiton EX14 9QE

**Proposal** Change of Use of agricultural land to ancillary accommodation in connection with the Hartridge Budhist Monastery comprising the provision of three meditation huts



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 1<sup>st</sup> September 2021</b>
<b>Dunkeswell And Otterhead (Luppitt)</b>	<b>21/1584/FUL</b>	<b>Target Date: 26.08.2021</b>
<b>Applicant:</b>	<b>Jutindharo for Hartridge Buddhist Monastery Trust(HBMT)</b>	
<b>Location:</b>	<b>Odle Cottage Upottery</b>	
<b>Proposal:</b>	<b>Change of Use of agricultural land to ancillary accommodation in connection with the Hartridge Buddhist Monastery comprising the provision of three meditation huts</b>	

**RECOMMENDATION: Approve subject to conditions**

#### **EXECUTIVE SUMMARY**

The application is before committee as the proposed development represents a departure from the Development Plan.

The development proposes a change of use of land and provision of additional accommodation units for resident monks in association with the use of the adjoining Buddhist Monastery.

The existing monastery, which comprises of a small group of domestic scale buildings and adjoining woodland, occupies a site extending to just over 4 ha on elevated land just below the ridge and to the east of Hartridge Common in the parish of Luppitt. The surrounding land is open countryside with some isolated dwellings/farmsteads and falls within the Blackdown Hills Area of Outstanding Natural Beauty.

The Monastery trust also owns two additional fields, laid to meadow and which lie to the immediate west of the woodland and east of the common land. The proposed kutis (meditation huts) are proposed on the lower, eastern, side of these fields adjacent to the woodland.

The proposal is not in accordance with the East Devon Local Plan in that the site lies in the open countryside and where there are no policies of the Local Plan which explicitly permit such development. Nevertheless, the proposal is considered to be well located in relation to the adjoining monastery site and well screened within the landscape such that the proposals would not give rise to any discernible landscape impact. The proposals would be very low impact additions and would assist in the development of the monastery which through its operation provides

some wider community benefits and would also provide some additional environmental/biodiversity gains through further native planting proposed. On balance and whilst recognising the application represents a departure from the Development plan the proposal is considered to be acceptable and is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Luppitt Parish Council has no objection to the planning application on the basis that the meditation huts will be for monastic use only. The Parish Council approves the change of use of agricultural land to ancillary accommodation only on the site area marked in red.

#### Dunkeswell And Otterhead - Cllr David Key

I have no objection as long as the huts are used for meditation and not for holiday or any accommodation.

### **Technical Consultations**

#### Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on the above application, and I apologise for the delayed response.

I can confirm that we do not wish to submit any detailed comments on this occasion, but support the comments made by the parish council and Cllr Key regarding the development.

#### DC Footpath Officer

Luppitt, footpath No26 appears to be unaffected by the proposal.

### **Other Representations**

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
00/Y0009	Change Of Use To Buddhist Monastery.	Approval - standard time limit	07.02.2001
00/P1252	Extension	Approval with conditions	09.08.2000

11/1237/FUL	New monastery building and replacement accommodation facilities. Removal of existing workshop and construction of new workshop and implement store.	Approval with conditions	29.07.2011
12/2130/FUL	Removal of existing workshop and construction of new workshop and store (amendment to application 11/1237/FUL)	Approval with conditions	21.11.2012
14/0633/VAR	Variation of condition 2 of application 11/1237/FUL to allow material amendment	Approval with conditions	29.04.2014

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

RC6 (Local Community Facilities)

### **Site Location and Description**

Hartridge Hill Monastery is located on the hillside on the opposite side of the valley from Rawridge and approx. 1 mile distant from it. The site is set in undulating open countryside designated as an Area of Outstanding Natural Beauty. There are no immediate neighbours.

The site is approached via a narrow and winding no through road from the east and then by a gravelled access drive off this. The track terminates adjacent to Odle Cottage

which is a modest detached two storey cottage, set side on to the access track and which represents the principal building on site. To the northwest of the cottage and set at right angles to it is a timber clad/rendered building that provides a shrine room and guest bedroom/living accommodation. There are a number of other ancillary outbuildings to the southwest of the main building group.

The grounds of the monastery (and further land in the Trust's ownership) extend to the south just below the ridge line. The higher western side of the wider site is mainly meadow pasture with the lower eastern side native woodland. At the northern end of this land are a number of existing 'Kutis', small timber meditation huts, with a further more isolated hut in woodland further to the south. Land to the west of the wider area of land ownership is common land and an access track runs north to south parallel to the western boundary and separated from the site by a mature tree-lined hedge bank. A public footpath (Luppitt Footpath 26) dissects the wider area of land ownership roughly through the centre on a northwest-southeast axis before descending the hillside towards Rawridge. The site of the proposed Kutis are on the edge of the woodland in 3 no. separate clearings in the southwestern part of the wider area of landownership.

## **Background and Proposed Development**

The monastery was established in 1982 and came to this site in 1986. The monastery practices the Thai Forest tradition order of Buddhism which traditionally have been located in forest settings. The monks resident at the site 'live' in Kutis within the woodland to assist the contemplative way of life. These Kutis are simple timber buildings (measuring approx. 6 metres by 2 metres) and comprising of a porch area and meditation space, whilst they contain small wood burning stoves they do not include any kitchen or bathroom facilities and the monks use the main monastery buildings for these functions and for communal activities. As such, the Kutis cannot be considered as independent residential units as they are incapable of functioning as such.

There are 4 no. existing Kutis on the site in land within the recognised boundaries of the monastery as established through the granting of a lawful development in 2001 (00/Y0009). The current proposal seeks permission for 3 more such units on land adjoining the existing monastery site and in the same ownership but falling outside of the recognised boundaries of the monastery.

## **ANALYSIS**

The main issues in the determination of the application are considered to be:

- The principle of the development and policy compliance
- Impact on the character and appearance of the area and wider landscape
- Other Issues

### **Principle and policy compliance**

The Development Plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP). There is currently no 'made' Neighbourhood Plan in place. However, it should

be noted that the whole of Luppitt parish, within which the site falls, has been designated a neighbourhood area, and a Neighbourhood Plan is being actively pursued and a draft plan has been produced (LNP). In time, should the plan pass through the necessary examination and referendum stages it will form part of the development plan. At present though the Neighbourhood Plan carries limited weight, nevertheless, reference is made to draft policies within the plan where applicable.

In policy terms the site lies in open countryside as defined by Strategy 7 (Development within the Countryside) of the EDLP.

Strategy 7 is quite specific by stating,

*‘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 goes on to say,

*‘and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.*

The proposal seeks additional accommodation pods linked to and serviced by the principle monastery building. Given the reliance on the main building and size/nature of the units these would not be independent residential units as they would lack the necessary facilities to be occupied as such. On the other hand as the units are proposed for the use of resident monks of the monastery neither would they represent tourist accommodation, nor could they reasonably be considered to represent a recreation or business use.

As such, where there are no specific policies of the Local Plan that would explicitly permit the development, as required by Strategy 7, the application is considered as a departure from the Local Plan.

In terms of the emerging Neighbourhood Plan there are draft policies covering subdivision of existing dwellings (ND4), rural exception housing (ND3), holiday cottages, including shepherd’s huts, pods etc. (ND7) and farm workers dwellings (ND8) however none of these specifically address the type of development proposed. The closest in terms of appearance and impact, but not use, could be considered to be shepherds’ huts. In relation to such proposals policy ND7 says these will be considered on their merits and assessment amongst other things of landscape and amenity impact.

In terms of national policy guidance this is contained in the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (NPPG).

Para. 11 of the NPPF sets out the presumption in favour of sustainable development which is engaged where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. In this instance whilst there are no specific policies covering development of this nature there is a policy that specifically covers development in the countryside (Strategy 7)

and as such it is not considered that the presumption (in favour of sustainable development) is engaged .

Para. 12 goes on to confirm that where a planning application conflicts with an up-to-date- development plan permission should not normally be granted. However it goes on to state that decisions can be taken which depart from the development plan *'if material considerations in a particular case indicate that the plan should not be followed.'*

Para. 62 encourages local planning authorities to plan to meet the housing needs of all sections of the community

Paras. 78 to 80 of the NPPF deal with rural housing but as referenced above that is not exactly what is proposed and in any case the proposals would not appear to meet any of the special conditions set out under those paragraphs.

Paras. 83 and 84 set out how planning policies should support a prosperous rural economy but again the proposals do not relate to a business and as such there is no support offered here.

Para. 93 states planning policies and decisions should plan positively for the provision of community facilities including places of worship and other local services to enhance the sustainability of communities.

### **Impact on the character and appearance of the area/wider landscape**

The proposed sites for the Kutis are toward the southern end of the extent of the Trust's ownership and outside of the recognised boundaries of the monastery site. Each hut would be located within a small glade or clearing with established woodland to the west and more recent planting to their north and east side. Further supplementary planting is proposed to provide further screening of and seclusion to each unit.

The land falls within the Blackdown Hills Area of Outstanding Natural Beauty and on the boundary of 2 no. Landscape Character Types (as described in the East Devon and Blackdown Hills Landscape Character Assessment): 1A Open Inland Planned Plateaux and 2A Steep Wooded Scarp Slopes. Within both landscape character types there is emphasis on managing hedgerows and woodland to retain the landscape pattern and including additional landscaping where appropriate in relation to new development.

All 3 sites would be positioned on a similar contour set below the ridge line and the common land to the east. The combined effect of the level difference, screening provided by existing hedge line and tree cover and additional planting proposed is such that the proposals are not likely to be visible in public views from this direction,. Similarly, due to the small scale nature of the proposals, existing established woodland planting and recessive nature of the materials proposed in the construction of the units longer range public views from the west are unlikely.

In relation to Luppitt footpath no. 26 this crosses the open meadow to the north of the application sites before entering the existing woodland and descending the hillside. The short section of footpath across the open meadow has the potential to offer glimpsed views, at least of the most northerly of the units, but such views would be screened by planting and if achievable would be a filtered view of a small timber building set within and against a backdrop of trees.

It is not proposed to establish or provide any formal access routes to the Kutis. The submitted Design and Access statement stating, '*Access to the huts would be by foot only, along existing natural woodland paths and across the open meadows.*' This being the case there would be no additional development/impact outside the site of each separate unit.

In relation to existing trees the proposed Kutis are supported on timber posts as opposed to requiring traditional foundations and are set on higher land above the established woodland to the west. That woodland's value is in the group value of its trees rather than individual specimens and the proposals is not considered to result in any loss in the quality of trees or hedgerow and as such accords with policy D3 of the Local Plan.

Overall in terms of landscape and visual impacts these are considered to be negligible. The proposal includes provision for additional native hedge and tree planting and as such the requirement to conserve and enhance the landscape character of the AONB and to not harm the landscape quality, as set out in Strategy 46 of the Local Plan, could be met.

### **Other material planning considerations/issues**

The submitted planning statement provides some background on the origins of the monastery, the way of life practiced by the monks and the work of the monastery trust which is a registered charity.

The monastery was established at this site in 1986 and has developed over the years to include additional buildings adjacent to the original monastery building, Odle Cottage. A lawful development certificate granted in 2001 established the use of the site as a monastery and included the woodland to the south of the site and a number of existing Kutis. The resident monks at the site 'live' in the kutis albeit they are reliant on the main building for all cooking, washing, dining and other facilities. It is advised that in recent years there has been increased interest from monastics elsewhere and lay people wishing to take up the monastic vocation but that there is currently insufficient accommodation to support this.

The supporting statement advises that alternative options have been considered to provide additional accommodation including within Odle Cottage itself. In most instances adaption and/or extension of this principle accommodation would be the suggested route to applicants looking to provide additional living accommodation. However, it is recognised that the nature of the building is not suitable to support the contemplative way of life adopted by the monks, which requires seclusion for meditative purposes. It is further advised that consideration has been given to siting additional huts within the existing woodland area, where existing huts are spaced

between 50 and 100 metres apart, however such siting would compromise the separation distance and bring huts too close to the footpath through the woodland. As a result the current proposals have been brought forward in order to ensure appropriate separation distance between units and in locations where these would be screened from public view and from users of the public footpath.

The site is located some distance from the nearest residential property and coupled with the proposed use would not give rise to harmful amenity impacts.

The proposals would be located within existing glades and surrounded on three sides by woodland planting. Whilst no ecological impact survey has been provided the proposals do not involve the loss of any trees of amenity value and have a very limited footprint, as such it is not considered that there would be any harmful ecological impact. The proposal includes additional native species planting which would have result in positive biodiversity gain.

## **CONCLUSION**

The monks are not employees and nor is the monastery a business, as such there would be no direct economic benefits derived from the proposal. In terms of social impacts it is advised that the trust and the monks are engaged with the wider community through activities such as teaching engagements, residential stays, counselling, school groups, meditation classes, etc and as such their presence can be considered to give rise to some social benefits. In terms of environmental impacts it has been established above that the proposed development would be very low impact. Furthermore, as custodians of the site the monks are actively involved in the management of the land and in support of their order's forest traditions have over the years planted significant numbers of trees which are managed in a sustainable fashion. The proposal whilst considered to represent a departure from the development plan would nevertheless result in little discernible harm but would allow the monastery to develop in a low key and sustainable manner and for individuals to be able to live as part of the monastic community whilst affording them the solitude and relative isolation from each other required to live their chosen way of life. Taking the above considerations into account and subject to the conditions set out below the proposal is considered to be acceptable and 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. The kutis (huts) hereby permitted shall be used in association with Hartridge Buddhist Monastery and by residents monks only for the purposes of ancillary accommodation and shall at no time be let, or used, for any other purposes including for purposes of holiday letting or guest accommodation.  
(Reason - The development is only justified in this location to meet a specific need associated with the monastic way of life practiced by the residents of the adjoining monastery and where alternative uses have not been demonstrated to accord with the requirements of the Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031 or guidance in the National Planning Policy Framework.)
4. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. The landscaping scheme set out on the site plan hereby approved 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 - 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 Strategy 46 - Landscape Conservation and Enhancements and AONBs of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

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:

	Proposed Site Plan	01.07.21
	Location Plan	01.07.21
Hut 1	Proposed Combined Plans	24.06.21
Huts 2 & 3	Proposed Combined Plans	24.06.21
	Sections	25.06.21

List of Background Papers

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