

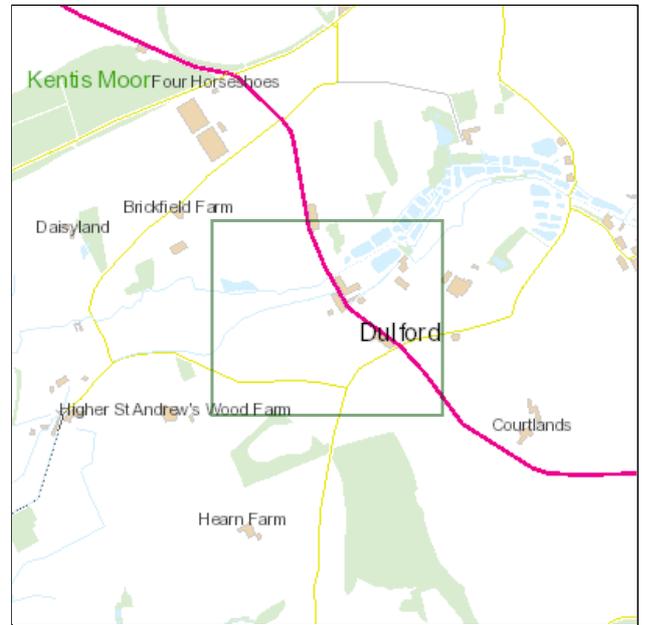
**Ward** Tale Vale

**Reference** 22/0058/FUL

**Applicant** Sophie, Harriet and Oliver Persey

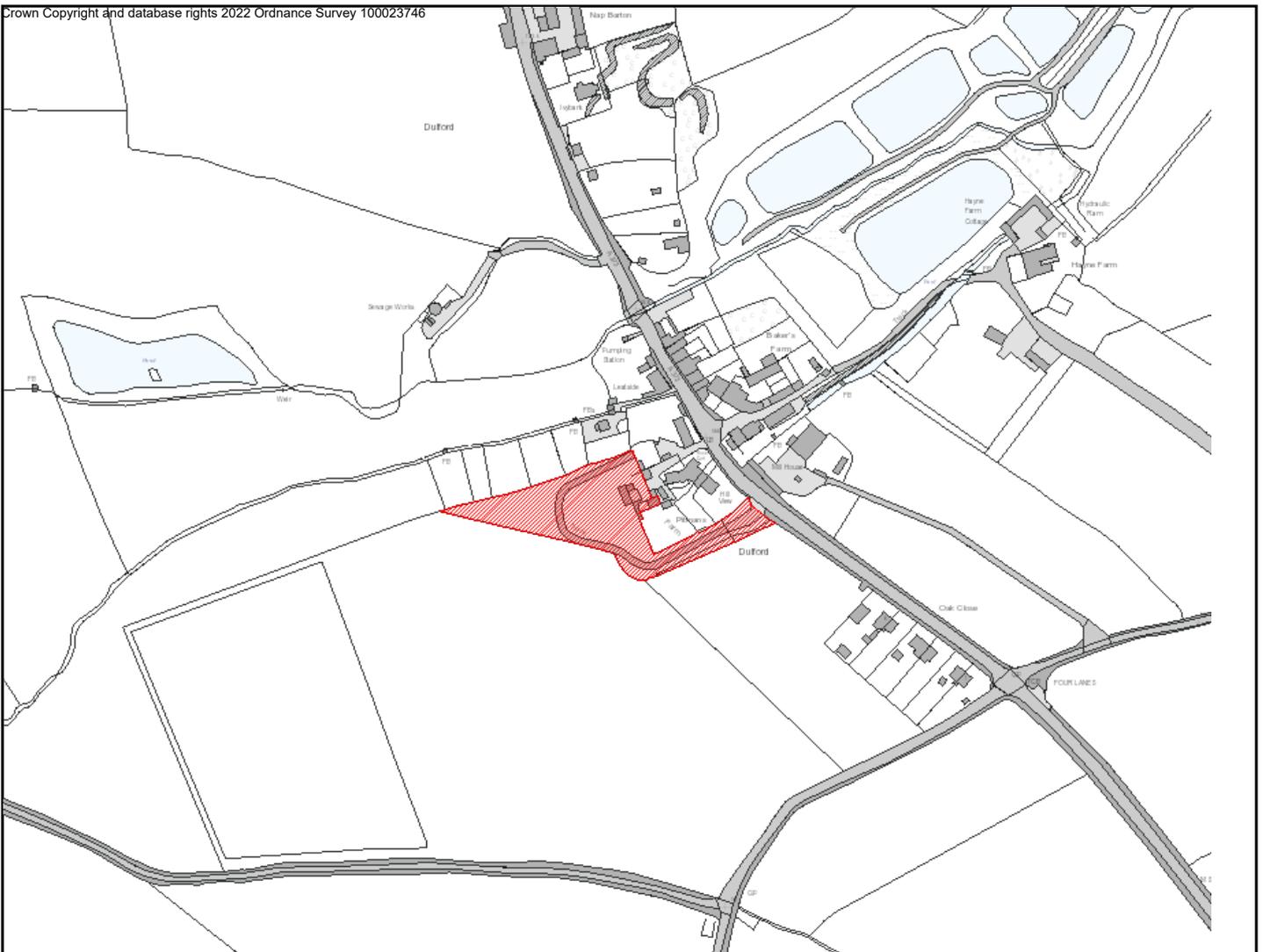
**Location** Pitmans Farm Dulford Cullompton EX15 2ED

**Proposal** Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping; and associated works.



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Tale Vale (Broadhembury)</b>	<b>22/0058/FUL</b>	<b>Target Date: 09.03.2022</b>
<b>Applicant:</b>	<b>Sophie, Harriet and Oliver Persey</b>	
<b>Location:</b>	<b>Pitmans Farm Dulford</b>	
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**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer recommendation differs from the views of a Local Ward Member.**

**The application seeks planning permission for the construction of a two storey dwelling and detached garage. The site is situated within Dulford, a small group of houses along the A373 outside of any designated settlement boundary (as defined by the East Devon Local Plan).**

**The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form focal points for development. However Dulford is not included as such a settlement and therefore was not considered to have an appropriate level of services and facilities to support further residential growth. Therefore, for planning purposes, the proposal takes place within the open countryside and therefore subject to restrictive rural policies.**

**Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. This particular Strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as for affordable housing or workers dwelling. The current proposal does not meet any of these exemptions. During the Small Towns and Villages Development Sustainability Assessment 2014 it was concluded that Dulford, in addition to many other villages and hamlets within the northern part of the district, do not have a suitable level of services or facilities to support further residential growth. As such the principle of constructing an open market dwelling is not supported.**

The Parish Council have raised concerns over the overall scale form and bulk of the dwelling and subsequent impact on neighbouring properties. Despite this, it is the position of officers that the siting of the dwelling provides sufficient relief from the adjacent parking area and driveway that serves 1 Rose Cottage and the presence of outbuildings and vegetation provide screening to assist in mitigating the physical impact of the build.

The elevation drawings indicate three rooflights and a dormer window with an easterly outlook. The window on this dormer would serve a bathroom and assumedly obscured or frosted, and therefore, it is unlikely prospective occupants would be able to directly overlook adjoining amenity areas. A suitably worded condition could ensure that this window is obscured or frosted prior to occupation. Regarding the impact of the rooflights the lowest of the three to sill would be 2.4 metres and serve a landing area, walk in wardrobe and en-suite. As such, it appears that their sole purpose is to provide additional light rather than to provide any outlook and therefore it is unlikely that prospective occupiers would be able to readily overlook adjacent amenity areas.

The applicant's Design and Access Statement has sought to highlight benefits to the setting of Dale House, a Grade II listed building, and the wider character and appearance of the area. The existing dilapidated structures are not readily visible from public view and the site has overtime become separated and is now accessed through its own independent access further south along the A373. Additionally new boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting. Additionally, due to limited public views of the existing farm buildings it is felt that, despite their poor physical state, their removal would not necessarily result in an enhancement to the setting of Dale House or the character and appearance of the area.

Finally, the environmental benefits of the PV array and ecological benefits of planting a wild flower meadow have been factored into the planning balance however, in this case, the benefits are not deemed to outweigh the identified conflict with the development plan. As such the application is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

#### MINUTES OF THE PLANNING MEETING

HELD ON FRIDAY 21 JANUARY 2022 at 4pm

Present: Councillors Bradshaw, Howgill and Powell

22/0058/FUL - Pitmans Farm, Dulford, EX15 2ED Proposed demolition of existing buildings, construction of residential dwelling & detached garage, etc

A representative of the neighbours informed the Councillors present that there was still concern re the height of the proposed dwelling and that letters regarding this would be lodged with EDDC - they had noted that the window overlooking nearby properties was now to be opaque.

**SUPPORT REPLACEMENT OF THIS VERY RUN DOWN AND DILAPIDATED BUILDING WITH A BUILDING WITH A LOWER PROFILE WHICH DOES NOT DOMINATE NEIGHBOURING PROPERTIES**

Tale Vale - Cllr Philip Skinner

I am writing regarding planning application number 22/0058/FUL.

I have visited this site on several occasions in the past, therefore my knowledge of this particular site is well known to me.

I believe the application is making use of some previously redundant farm buildings in a location that abuts the main road network from Cullompton to Honiton sitting in the hamlet of Dulford.....of which I have been the Ward member for 22 years.

I would understand in planning terms that not being an exception site that our policy framework would normally resist such applications but it is my view that this site would fall in to the 'unique' policy which is our policy of common sense.

This proposal does two things, it addresses the issue of the demolition of some old redundant farm buildings and replaces it with one dwelling.

This is a judgement call on enhancing the environment by the removal of the old buildings and replacing them with a new, more environmentally friendly building that is going to be 'cost conscious' on energy performance.

I very often feel that policy sits as a blanket, overarching tool, that should very much protect our rural development from unwanted development but in this case I feel quite strongly that a refusal on this particular application would be, indeed, a misjudgement on our part as a planning authority.

We do have a 'departure' policy that should 'take a pragmatic view' on such applications and in my opinion this is one of those moments.

It is my view that this should be allowed and as such I am intending to SUPPORT this application.

I would ask that this application is taken to committee if indeed the officer recommendation were to differ from mine.

**Technical Consultations**

None received.

Other Representations

Three third party comments have been received that object to the development. Concerns raised within are summarised below:

- Impact on highway safety.
- Lead to an increase in anti-social behaviour.
- Overlooking of gardens.
- Lack of infrastructure to accommodate further residential growth.
- Lack of parking.

## **PLANNING HISTORY**

14/1756/FUL - Conversion, alteration and extension of existing farm buildings to provide a dwellinghouse with garage parking. REFUSED and APPEAL DISMISSED.

15/1571/FUL - Conversion of existing redundant farm buildings to provide a three/four bedroom dwelling house with garage parking. REFUSED

21/2258/FUL - Demolition of existing buildings and erection of a 4 X bed residential dwelling and detached garage, and installation of solar photovoltaic array, landscaping and associated works. REFUSED

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Broadhembury Neighbourhood Plan (not yet made)

## **Site Location and Description**

The site is located in the hamlet of Dulford which falls within the parish of Broadhembury.

The existing cluster of buildings consist of mostly brick and breezeblock with lean to roofs. The buildings are in various states of disrepair, in part due to a fire some 25 years ago. The complete working buildings once incorporated a two storey element, however, the current character of the site is one of old, tumble down farm buildings surrounded by residential dwellings to the east and agricultural land to the west.

Dulford is a small group of houses that sits either side of the A373 between Honiton and Cullompton. The site is situated within the open countryside and is not part of a defined settlement. Dulford is surrounded by open fields with scattered farms and agricultural buildings set within the rural landscape. The closest defined settlement is

Broadhembury, more than 2 miles away by road. Notwithstanding the school-bus stop nearby, the application site is situated a significant distance away from local services such as shops, health and leisure services as well as employment opportunities.

## **Proposal**

The application seeks planning permission for the construction of a two storey dwelling and detached garage.

## **Site History**

The site has already been subject to a couple of planning applications that have sought to introduce residential use at Pitmans Farm. Both 14/1756/FUL and 15/1571/FUL were refused at Committee with the former also being dismissed at appeal. The current application is an identical resubmission of 21/2258/FUL that was refused. For the following reason:

*The proposed development, by virtue of its position within a countryside location without any exceptional justification, is considered to be contrary to countryside protection policies. Furthermore, the site is poorly located and divorced from sufficient services facilities, employment, and public transport and as consequence the proposed development would lead to additional travel by private vehicles. As such, the development is considered contrary to Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and (Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 - 2031) and guidance contained in the National Planning Policy Framework (2019).*

The most significant difference with the current application compared to the 2014 and 2015 submissions is the proposal to construct a new two storey structure rather than convert the existing agricultural buildings.

## **ANALYSIS**

The following issues are considered material in the assessment of the current application.

- Principle of Development
- Impact on character and appearance of the area
- Impact upon neighbouring amenity
- Impact on neighbouring amenity
- Any other material considerations

### **Principle of Development**

The site is situated within Dulford, a small group of houses along the A373 outside of any designated settlement boundary (as defined by the East Devon Local Plan).

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form

focal points for development. However Dulford is not included as such a settlement and therefore was not considered to have an appropriate level of services and facilities to support further residential growth. Therefore, for planning purposes, the proposal takes place within the open countryside and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. This particular Strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as for affordable housing or workers dwelling. The current proposal does not meet any of these exemptions. During the Small Towns and Villages Development Sustainability Assessment 2014 it was concluded that Dulford, in addition to many other villages and hamlets within the northern part of the district, do not have a suitable level of services or facilities to support further residential growth.

As such the principle of constructing an open market dwelling in this location is not supported by, and is contrary to, Local Plan policy.

### **Impact upon Character and Appearance of the Area and Wider Landscape**

The design approach of the application building appears to have been influenced by the local vernacular of the village. The use of painted render, oak, stone, slate and thatch is considered an acceptable palette of materials that are sympathetic to the immediate area and reflect those used for the construction of other dwellings within the hamlet. The rear (east) elevation would be visible from the A373 in between the properties of Dale House and 1 Rose Cottage.

To the north of the site there is a group of trees which provide some screening from the public views available from the footpath below. It is likely that the roofs of the two storey sections of the property would be partly visible along the route and potentially more so in the winter months. Further long range views of the site would be available from the north above and looking back from the A373. To the east the buildings form the boundary with the lower section of the neighbouring garden.

A compacted stone drive would follow the existing access off the A373 and cut through the middle of the parcel of land to the northern boundary to serve the detached double garage. An array of photovoltaic panels would be located immediately south of the build. The principal roof would be finished in thatch with conservation rooflights in the rear pitch. A single storey element would span the entire width of the rear (east) elevation and have a pitched roof. Just above, a dormer would break the eaves line of the build and have a lead flat roof. All windows are to be aluminium with casement frames.

Despite concerns raised by the Parish Council, it is considered that the scale, form and overall mass of the application build mimics that of other properties within the immediate area. The design approach, including the choice of materials is considered to acknowledge its rural setting. Despite the replacement structure being much larger than the existing building, the site is fairly well set back from the nearest public highway and is largely screened from public view by the existing residential properties that front

the A373. However, due to the application site being set some 50 metres back from the adjacent highway, the provision of a dwelling here would not follow the established pattern of development where properties within the hamlet tend to immediately front an adjacent highway. Despite this, apart from the glimpsed view available between Dale House and 1 Rose Cottage, it would not be immediately evident to those passing through the hamlet that there was a residential property here.

It is possible that some glimpsed views of the build might be available along Broadhembury footpath 11 immediately south of Brooklea. However the build would be partially screened by existing vegetation, fencing and outbuildings. As such the subsequent visual impact from the footpath is deemed low. Longer distance views from Oak Close and road to Higher St Andrews Farm are narrow in width and bordered by substantial devon bank that screen public view of the site.

In light of the above, in addition to the site utilising an existing access, it is not considered that the introduction of a dwelling would cause undue harm to the character and appearance of the area or wider landscape.

### **Impact on Neighbouring Amenity**

The application site borders a number of residential properties to the east that form a terrace including Pitmans Farm, Rose Cottages and Hill View. The existing farm buildings are visible from the outdoor parking area located immediately west of Pitmans Farm. This area in question also consists of two garages, one brick and timber, the other pebble dash. The area is surfaced with patches of gravel, grass and is also used for bin storage purposes.

The application building would have first floor rooflights on the eastern roof pitch and a dormer with an obscured window that would face towards this eastern amenity space of Pitmans Farm. The subsequent relationship has prompted objections from a number of third parties who feel that there are issues concerning overlooking and physical dominance.

The application building would be located approximately 5.5 metres away from the eastern boundary. As such it is acknowledged that the two story build, with a ridge height of approximately 8 metres, would have a degree of impact upon this amenity area through physical impact alone. However, a degree of relief is provided as the dwelling would be set back from the boundary. Additionally, the presence of the brick garage and a mature trees would provide a level of screening to mitigate the overall physical impact of the build. As such, solely with regards to physical dominance of the proposal, it is not considered that the application could be refused.

The application also proposes a flat roof dormer on the rear elevation. The window on this dormer would serve a bathroom and assumedly obscured or frosted, and therefore, it is unlikely prospective occupants would be able to directly overlook adjoining amenity areas.

A suitably worded condition could ensure that this window is obscured, or frosted, and fixed shut below 1.75m above floor level prior to occupation. There are also three rooflights proposed on the rear elevation. However the level to the lowest of the three

would be 2.4 metres and as such it appears that their sole purpose is to provide additional light rather than to provide any outlook. As such, it is unlikely that prospective occupiers would be able to readily overlook adjoining amenity areas.

Whilst it is acknowledged that the proposals would have a degree of impact upon the adjoining parking area of Pitmans Farm, it is considered that the degree of physical separation, height of the rooflights and obscuration of the dormer window would result in limited harm. As such the application is considered to meet the objectives of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

### **Access and Highways**

Policy TC2 of the East Devon Local Plan specifies that new development should be located so as to be accessible by pedestrians, cyclists and public transport. Whilst it is acknowledged that a bus service is available to residents on certain days within the week, prospective occupiers of the dwelling would be largely dependent on private forms of transport for day to day living including employment opportunities. As such the application is contrary to Policy TC2.

The proposals include an adequate level of parking to serve the four bedroom property. Additionally, there is considered sufficient turning space and visibility at the access point off the A373 in order for users to safely exit the site in a forward gear. Third party comments have expressed concerns over the safety of the access. However the access onto the A373 is considered to have sufficient visibility on exiting the site in a northern and southern direction and

### **Impact on nearby Heritage Assets**

Paragraph 5.5 of the submitted Planning Statement states that removal of the existing agricultural buildings has the potential to improve the setting of Dale House, a Grade II listed building approximately 35 metres to the north east. Historical aerial imagery available to the Local Authority show that at one point the application site shared an access with Dale House prior to 1999. Overtime the site has become separated and is now accessed through its own independent access further south along the A373. New boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting. Additionally, due to limited public views of the existing farm buildings it is felt that, despite their poor physical state, their removal would not necessarily result in an enhancement to the setting of Dale House.

### **Ecological Impact**

The application is accompanied by an Ecology Survey, prepared by Richard Green Ecology. The proposals would result in the loss of 0.1 ha of semi-improved grassland. These are common and widespread habitats with limited structural and floristic diversity and the loss is considered to result in a negligible ecological impact. The survey has recommended various mitigation measures to replace habitats that are to be lost through the removal of the existing structures.

### **Other Matters**

- The application would provide an acceptable level of parking.
- Surface water run-off would be dealt with via a soakaway.
- Foul sewage would be dealt with via the main sewer.
- The submitted Planning Statement has highlighted an appeal (ref: APP/B9506/W/19/324/2767) for the construction of a dwelling within the New Forest National Park. The appeal was allowed by the inspector. However in this case the appeal decision relates to a site close to an existing settlement on previously developed land and included the removal of visually prominent non-agricultural buildings. This application site does not relate to an identified settlement and concerns agricultural land. The NPPF's definition of Previously Developed Land excludes land that is currently or was last occupied by agricultural buildings. As such the application site is considered greenfield. Finally the existing cluster of agricultural buildings are not deemed to be visually prominent within the wider landscape and, as such, their removal would result in limited, if any, planning benefit. Overall the appeal decision is deemed materially different to the current application and therefore the conclusions drawn by the inspector are not considered relevant.

### **Other material considerations**

The applicant's Design and Access Statement has sought to highlight benefits to the setting of Dale House, a Grade II listed building, and the wider character and appearance of the area. The existing dilapidated structures are not readily visible from public view and the site has overtime become separated and is now accessed through its own independent access further south along the A373. Additionally new boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting therefore it is thought that their removal would not necessarily result in an enhancement to the setting of Dale House or the character and appearance of the area.

Finally, the environmental benefits of the PV array and ecological benefits of planting a wild flower meadow are acknowledged and have been factored into the planning balance. However, in this case, the benefits are not deemed to outweigh the identified conflict (as they are benefits that should be provided as a matter of course) with the development plan.

### **CONCLUSION**

The location for the dwelling is contrary to Local Plan policy and the material considerations in support from the applicant and Ward Member are not considered to outweigh the lack of local plan support and unsustainable location of the site. This accords with the recent refusal of planning permission for the site.

As such the application is recommended for refusal.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development, by virtue of its position within a countryside location without any exceptional justification, is considered to be contrary to countryside protection policies. Furthermore, the site is poorly located and divorced from sufficient services facilities, employment, and public transport and as consequence the proposed development would lead to additional travel by private vehicles. As such, the development is considered contrary to Strategy 7(Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and (Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 - 2031) and guidance contained in the National Planning Policy Framework (2019).

#### 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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

##### Plans relating to this application:

1162/21/LP	Location Plan	12.01.22
1162/21/06	Proposed Site Plan	12.01.22
1162/21/01 : Part	Proposed Site Plan	12.01.22
1162/20/04	Proposed Elevation	12.01.22
1162/20/03	Proposed Elevation	12.01.22
1162/20/02	Proposed Floor Plans	12.01.22

##### List of Background Papers

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