

**Ward** Newbridges

**Reference** 23/0174/FUL

**Applicant** Mr A Frankpitt

**Location** Sunnylands Dalwood Devon EX13 7EA

**Proposal** Proposed replacement agricultural dwelling, including demolition of the existing dwelling and garage



**RECOMMENDATION:**

- 1. Adopt the Appropriate Assessment**
- 2. Refuse the application**

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		<b>Committee Date: 26.03.2024</b>
<b>Newbridges (Dalwood)</b>	<b>23/0174/FUL</b>	<b>Target Date: 27.03.2023</b>
<b>Applicant:</b>	<b>Mr A Frankpitt</b>	
<b>Location:</b>	<b>Sunnylands, Dalwood, Axminster, EX13 7EA</b>	
<b>Proposal:</b>	<b>Proposed replacement agricultural dwelling, including demolition of the existing dwelling and garage</b>	

**RECOMMENDATION:**

- 1. Adopt the Appropriate Assessment**
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**EXECUTIVE SUMMARY**

**This application is before the planning committee because the recommendation is contrary to the view of the Ward Member.**

**The proposal is to construct a replacement dwelling for an agricultural worker and his family. The need for a dwelling to support the poultry farm and the floor area proposed are accepted and those aspects of the proposal are in conformity with Policy H4 of the Local Plan.**

**However, the new dwelling would not be constructed on or adjacent to the footprint of the existing dwelling, nor within its curtilage, and its siting would be more prominent and would prevent the delivery of landscaping that is a requirement of the planning permission for the poultry buildings. For these reasons the proposal does not comply with criteria 2 and 3 of Policy H6 of the Local Plan.**

**More significantly, conflict also arises from the poor quality, unsympathetic design which is incompatible with the landscape sensitivity of its location. The site is in the Blackdown Hills National Landscape and great weight must be given to conserving and enhancing its landscape and scenic beauty. The National Landscape is designated in part because of its special concentration of buildings where the vernacular character is particularly well preserved. In this context good design that responds appropriately to its setting is essential, not just desirable. This is reinforced by the NPPF which states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'.**

**The proposed building falls far short of the design quality that is necessary for this protected landscape and even if it were in a less sensitive location it would not be regarded as a beautiful building. On that basis the design is strongly opposed, including by the Council's urban designer, conservation officer and landscape architect and also by the Blackdown Hills NL officer.**

**In view of the poor-quality design, the adverse landscape impact and the lack of any meaningful benefits from the proposed siting, the proposal would be contrary to Strategies 7 and 46 and Policies D1 and H6 of the Local Plan and Policies NE1 and BHE1 of the Dalwood Neighbourhood Plan, as well as guidance in the NPPF.**

## **CONSULTATIONS**

### **Technical Consultations**

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

#### District Ecologist

The application has been supported by a lighting plan considering external lighting only. The plan indicates it is based on a maintenance factor of 0.8, not 1 as stipulated in ILP/BCT Guidance Note GN08/23 Bats and Artificial Lighting at Night guidance. The EclA report, ILP/BCT guidelines, and Beer Quarry and Caves HRA guidance state that internal as well as external luminaries need to be considered within the lighting report. The proposed elevations of the new dwelling have significant amounts of glazing and could result in light spill on the dark corridors.

The lighting plan also has inconsistencies regarding lux levels, stating that levels are below 1 or 5 lux, whereas levels to be considered 'dark' should be below 0.5 lux.

Therefore, the lighting plan should be revised to be in line with ILP/BCT Guidance Note GN08/23 Bats and Artificial Lighting at Night guidance section 4.51-4.53, and EclA report, i.e., to consider internal as well as external luminaries, and provide a horizontal contour plan which clearly shows that the recommended dark corridor is achievable and where this is in relation to the proposed dark habitats.

#### Natural England

No objection - subject to appropriate mitigation being secured.

#### EDDC Trees

I object to this application due to the absence of supporting arboricultural information and the potential harm it would cause to trees on the site.

#### EDDC Landscape Architect

The proposals cannot be said to conserve and enhance landscape and scenic beauty and, on the contrary, are considered likely to have an unacceptable adverse landscape and visual impact and contrary to NPPF para. 176 and local plan strategy 46 and policies D1 and D3. While a case may be made for a larger replacement

dwelling on the site, the scale, form and setting of the current design is considered inappropriate. It would seem better to provide the garage and office elements as a separate structure located in the vicinity of the existing garage, and there is scope to situate a smaller, well designed dwelling to the south of the woodland mitigation planting for the poultry houses, which would have a smaller landscape and visual impact.

#### Urban Designer

With no meaningful reference or response to its location, with scale, massing and design so at odds with the built context of the area the proposal is out of place and lacking identity. The inappropriate form and lack of identity means it reduces the landscape, visual and cultural identity of the AONB in which it sits. The design has been improved by the separation of the car parking and subsequent reduction in size of the building, but it is far from enough to make it work.

The scale, impact on the landscape mitigation for the chicken sheds, the lack of identity, contextual reference or understanding, the clash of forms of building elements make this a design that neither works with itself or with its location. It makes it impossible to be supported on design grounds.

#### Blackdown Hills AONB Project Partnership

The special qualities of the Blackdown Hills landscape are inextricably connected to the built heritage and farming traditions of the area, one of the key reasons for designation being that it is a landscape of architectural appeal.

I do not believe that the design and appearance of the proposed dwelling successfully reflects the local vernacular in terms of size, form, scale and materials; rather it is more urban and commercial and as such it is not considered to conserve or enhance the character and special qualities of the AONB.

#### Conservation

The contemporary approach to the design of the new dwelling is considered in conflict with the scale, shape, detailing and vernacular of the historic and later built character within the AONB. An approach that does not relate to the area in terms of plan form, scale, or materials, weakening the strength of the AONB's distinctive character and in turn setting of many listed buildings.

Recommend refusal.

#### **Local Consultations**

##### Newbridges - Cllr Iain Chubb

13/03/23 - I would like to support this planning application for the replacement dwelling house at Sunnylands Farm. The current house is not fit for purpose for a family to live in comfortably. Sunnylands Farm is a modern farm that is crucial in this country's food production and the farmer needs a modern house to live and raise his family in, whilst being within easy reach of the farm for security and the welfare of his stock.

The current farmhouse does not enhance the area, however the design and environmentally green attributes of the proposed dwelling would suit the site and cause no harm to the AONB.

23/03/23 - This application for a replacement dwelling is needed for the family who run this essential farming business, to live in a comfortable and sustainable dwelling whilst being located next to their business.

The current accommodation is not fit for purpose, with a low energy efficiency, small rooms for a family and no design features that are relevant in its setting. The proposed new dwelling has been designed to accommodate the family, whilst maintaining a low carbon footprint and a design that is in keeping with its surroundings; I therefore fully support this application.

07/08/23 - I would like to support this application for the replacement dwelling, the current house that is on the site is not fit for purpose on this farm, there is no facility for bio washing or office space in the current house; it is also not energy efficient being built as a prefab house in the 1960-70's.

#### Parish/Town Council

Dalwood Parish Council has no objections.

#### Other Representations

None received.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
21/2562/FUL	Erection of an agricultural workers dwelling and associated infrastructure	Withdrawn	07.06.2022
74/C0853	Dwelling	Approval with conditions	04.03.1975

Permission for a farm worker's bungalow was refused in May 1968 on grounds of lack of agricultural support and the effect on the nearby listed building (application reference EJ7691).

### **POLICIES**

#### Dalwood Neighbourhood Plan (Made)

Policy NE1: Conserving and Enhancing the Natural Beauty of the Parish

Policy NE2: Preserving Tranquillity and Dark Skies

Policy BHE1: Maintaining the Built Character of the Parish through High-Quality Design

Policy BHE2: Protecting Heritage Assets

## Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

H4 (Dwellings for Persons Employed in Rural Businesses)

H6 (Replacement of Existing Dwellings in the Countryside)

EN9 (Development Affecting a Designated Heritage Asset)

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

EN22 (Surface Run-Off Implications of New Development)

TC9 (Parking Provision in New Development)

## Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## Site Location and Description

Sunnylands is the site of a large poultry farm with an agricultural worker's dwelling. It is located in the countryside about 1km south of Dalwood. The site is in the Blackdown Hills National Landscape and there is a grade II listed dwelling north of the site and a grade II\* listed chapel/meeting house to the south east. Access is from an unclassified single track lane which connects with the A35 to the south.

## ANALYSIS

Planning permission is sought to demolish the existing tied dwelling and garage and to construct a replacement dwelling on a different part of the site.

## Background

This application follows an application in September 2021 to build a second tied dwelling which was withdrawn in June 2022 after the agent was advised that we had concerns about the need for a second dwelling, as well as concerns regarding siting, scale, design, impact on the National Landscape and impact on the setting of listed buildings. Before the application was withdrawn we were also notified by Natural England that development within the catchment of the River Axe SAC would need to achieve nutrient neutrality and this resulted in a further reason for not supporting the application.

In January 2023 the current application was submitted proposing a replacement dwelling to ensure that there would be no increase in the number of dwellings on the site, and hence that the proposal would be nutrient neutral. In an attempt to address the other concerns regarding siting, scale, design, impact on the National Landscape and impact on the setting of listed buildings, the revised proposal was for a completely different, more contemporary design.

The new design was arrived at and submitted without the applicant seeking pre-application advice or engaging in any informal discussion about changes to the original scheme that could be made to address the planning officer's concerns. After the application was submitted a site meeting was held in early March between the agent, applicants, their landscape architect, the planning officer and the Council's landscape architect. At this meeting reservations about the design, scale and siting were expressed. Then, in mid-May without any prior discussion, a revised design for a smaller dwelling with a different roof design was submitted. However, in late August, the planning office was advised that the applicant wished to revert to the January design, again without any prior discussion. Following a further site meeting with the applicants in October 2023 changes to the January design were made and submitted in December 2023. It is the December scheme (incorporating subsequent minor changes) which is addressed in this report.

### Main issues

Strategy 7 of the Local Plan supports development in the countryside if it accords with a specific Local or Neighbourhood Plan policy and respects the local environment. There are no neighbourhood plan policies that make provision for dwellings in this location, but Policy H6 of the Local Plan supports the replacement of existing dwellings in the countryside. Where this relates to a tied dwelling, Policy H4 says that a reassessment of need is required.

In view of this the main issues are:

- Whether there is a need for a dwelling for a rural worker and whether the size of the dwelling is commensurate with the scale of the need.
- Whether the proposal would conserve or enhance the landscape and scenic beauty of the Blackdown Hills National Landscape.
- Whether the proposal would preserve the setting of nearby listed buildings.

### Need

Planning records indicate that a poultry business was established at the site around fifty years ago. This was completely renewed by the current owners in 2021 and the site is now occupied by a much larger state-of-the-art poultry unit. It remains the case that the business cannot operate safely or satisfactorily without a permanent onsite presence owing to the need to respond rapidly to any livestock issues. The continuing need for a dwelling is therefore accepted.

The proposed dwelling would be larger than the existing dwelling but in part this is because it makes separate provision for a farm office, boot room, etc. This would provide greater separation between the work and domestic accommodation which cannot be achieved in the limited space available in the existing dwelling. The rest of the accommodation provides four generous double bedrooms as well as reception rooms. In total the dwelling would provide 330 square metres of floorspace over two floors plus a separate car port. This is on the large side but commensurate with other tied dwellings permitted within the district. Whilst the accommodation is generously sized, the number of rooms and their function would not be excessive in terms of the

functional needs of a farm worker and their family. The dwelling is therefore considered to be commensurate with the scale of the need.

The tie on the existing house states:

*The proposed dwelling shall only be occupied by persons and their dependants employed in connection with the adjoining poultry unit.*

In the event of planning permission being granted, a tie would need to be reimposed because a dwelling would not otherwise be supported in this location. To reflect modern circumstances and practice the tie would need to be updated as follows:

*The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.*

Broadening the scope of the tie beyond workers at the adjoining poultry unit would ensure that the dwelling could be occupied by other agricultural workers if the business changes in future.

### Blackdown Hills National Landscape

The Blackdown Hills Management Plan 2019-2024 quotes from the Countryside Commission's 1989 landscape assessment which says:

*"It is a landscape with architectural appeal. The landscape pattern is punctuated by a wealth of small villages, hamlets and isolated farmsteads of architectural value and distinctive character. Devon and Somerset are recognised nationally for their fine rural architecture, but the Blackdown Hills contain a special concentration of buildings where the vernacular character is particularly well preserved. Predominant materials are chert and cob with thatch, often now replaced by corrugated iron, or clay-tiled roofs. The appeal lies in the way in which the buildings fit so naturally into their surroundings."*

A design guide for houses in the Blackdown Hills NL has also been produced with a view to ensuring that new buildings maintain local character without stifling contemporary approaches. Policy BHE1 of the Dalwood Neighbourhood Plan stipulates that the design guide must be taken 'fully into account' in new developments.

Strategy 46 of the Local Plan says that development must be sympathetic to the NL and conserve and enhance its character. This is supported by paragraph 182 of the NPPF which gives great weight to conserving landscape and scenic beauty in National Landscapes, which have the highest status of protection, alongside National Parks, in relation to these issues.

In this context the design and access statement explains:



*The proposed sloping zinc roof has been adopted to replicate the gently undulating formation of the land and is proposed as a 'built-in' design to allow the proposal to seamlessly blend into the landscape. It is also considered that the proposed dwelling shall better respond to the localised landscape in consideration of the redeveloped poultry buildings (ref: 20/0121/FUL) located immediately east of the proposed dwelling with their box profile PVC coated roofing sheets.*

The proposed building is a two-storey oblong, reflecting the simple footprint of traditional buildings, but with a sinuous roof design, which is novel for the Blackdown Hills, and a combination of materials and fenestration which departs from the local vernacular.

Its immediate setting is the uncharacteristically large poultry shed to the east but it shares the landscape with listed and non-listed buildings that are traditional in appearance, including the grade II listed dwelling, Champerty, which is about 150m to the north and overlooks the site, and the grade II Star listed Loughwood Meeting House about 500m to the south east. These are complemented by traditional cottages lying to the east and west and all set within a landscape of gently rolling green fields with irregular boundaries and many hedgerow trees. The existing dwelling is an anomaly in this historic setting but one which is modest in scale and unobtrusive.

The roof is the key distinguishing feature of the proposed building and the most prominent part of it. It is described by the Council's Urban Designer as a flattened sine wave and the design and access statement asserts that it relates to the hills because of its shape and relates to the poultry buildings because of its zinc covering. However, the roof form is two dimensional and does not replicate any of the complex undulations of the landscape. It therefore fails to integrate with the landscape and does not reflect the roof form of local buildings. Furthermore, the use of zinc in this case emphasises the industrial nature of the site, which has required substantial landscape mitigation, and this is to the detriment of the rural character of the surroundings.

The only identifiable similarity between the sinuous roof and the local landform is that neither are flat but this is not enough to create a clear visual connection. Even if it were to have a green roof, which has been suggested, it would not relate well to the landform or local vernacular. Instead of being a thoughtful architectural device to help the building fit naturally into its surroundings, the roof is a jarring feature of the building which fails to reinforce the key characteristics and special qualities of the area or make a positive addition to the architecture of the Blackdown Hills.

Turning to the elevations, the materials proposed are a combination of a light red-brown brick and primrose coloured render. Whilst these might be found in buildings nearby, nothing about the appearance of the dwelling would strike the casual observer as being characteristic of the way buildings are constructed or materials are used locally. Where two materials are used for walls its often indicative of phases of building work but in this instance the division between brick and render is merely an aesthetic choice and not one which could be said to reflect the way the construction of the building has evolved. Furthermore, the evenly spaced but irregularly sized

windows and glazed doors fail to reflect local traditions or relate well to the scale of the front façade and the form of the roof.

Seeking to further explain why the proposal should be supported, the design statement turns away from the proposed scheme and its unique setting and looks to other schemes for justification. This represents a fundamental failure to acknowledge that each scheme must be considered on its merits and show clearly how it has emerged from the constraints of its particular surroundings. The lack of a convincing narrative for the design along with its considerable shortcomings mean that this proposal falls far short of the standard of design that is expected in this highly protected landscape.

Turning to its siting, Policy H6 of the Local Plan says that a replacement dwelling must be located on, or adjacent to, the footprint of the existing dwelling unless there would be a clear planning or environmental benefit to siting it elsewhere within the curtilage.

The first point to note is that the proposed site is not within the curtilage of the existing dwelling. Although the land is maintained as if it is garden, planning permission has not been granted for a change of use from agricultural land. The proposed site extends about 40 metres into the agricultural land, taking around a quarter of a hectare of agricultural land into the garden. This is a clear breach of the policy.

Regarding whether there are any planning or environmental benefits, the agent has argued that the need for a continuous presence on the farm justifies retaining the existing dwelling during the construction period. However, the same outcome could be achieved by moving into temporary accommodation, and whilst it would be convenient for the applicant to stay in their current home until the new home is ready, convenience does not amount to a clear planning reason. Moreover, the same argument could be made on any site and this would undermine the purpose of the policy, which is to protect the countryside.

Environmentally, there would be no advantage to siting the large, incongruous dwelling more prominently on the site, standing proud of the poultry building and exposed to views from the public footpath which crosses the field to the west, as well as from other public locations. The crest of the roof would be 4.6m higher than the ridge of the poultry buildings, even after digging the dwelling nearly two metres into the ground. In no way would this dwelling 'seamlessly blend into the landscape', as suggested in the design and access statement.

The siting also means that a substantial area of landscaping that the applicant is required to plant to mitigate for the landscape impact of the poultry buildings could no longer be delivered because the land would be occupied by the dwelling and its garden. As the Council's landscape architect concludes "the proposals cannot be said to conserve and enhance landscape and scenic beauty and, on the contrary, are considered likely to have an unacceptable adverse landscape and visual impact".

Regarding ecological benefits of the proposed siting, the agent has argued that the new position avoids light spill affecting bats commuting along the boundary

hedgerow. However, the same benefit could also be achieved without the adverse landscape impact.

In view of the poor-quality design, the adverse landscape impact and the lack of any meaningful benefits from the proposed siting, the proposal would be contrary to Strategies 7 and 46 and Policies D1 and H6 of the Local Plan and Policies NE1 and BHE1 of the Dalwood Neighbourhood Plan.

### Setting of listed buildings

The nearest listed dwelling, Champerty, is listed grade II and occupies an elevated position in the landscape overlooking the site. Prior to the recent expansion of the poultry farm, there was a 2 hectare field in front of the listed building which provided a clear visual separation between the old (much smaller) poultry buildings and the early 19th century house. The development of the new poultry buildings and the associated landscaping, especially as it matures, has completely changed that setting but still preserves a substantial separation. The proposed dwelling, although closer to the listed building, would be no closer than the poultry building and would not compromise this important buffer. Whilst the conservation officer has raised concerns about the proposal, they relate to the design and its disregard for the local vernacular, rather than to the siting. Furthermore, although Loughwood Meeting House is a more historically significant building, it is considerably further from the site and its significance would not be diminished even though the poor design of the proposed dwelling would be in opposition to the simple beauty of the late 17th/early 18th century meeting house, which exhibits the essence of a vernacular building.

In spite of the great concerns about the design of the dwelling and the effect on the scenic beauty of the Blackdown Hills National Landscape, the proposal would conserve the setting of nearby listed buildings, as required by Policy EN9 of the Local Plan and Policy BHE2 of the Neighbourhood Plan.

### Other matters

#### *River Axe SAC*

The site is within the hydrological catchment of the River Axe SAC where proposals must avoid adding to phosphorous pollution. Nutrient neutrality would only be achieved if there is no net gain in the number of occupied dwellings on the site. To be able to conclude beyond reasonable scientific doubt that there would be no adverse impact on the River Axe SAC, it is essential that there is no possibility of two dwellings being occupied at the same time. Demolition of the existing dwelling would be necessary to ensure compliance with Policy H6 and this could be secured by a suitably worded condition. Moreover, enforcement powers exist which would be sufficient to provide the necessary certainty that the condition would be enforced and the conservation status of the River Axe would not be compromised.

#### *Beer Quarry and Caves SAC*

The site is within a Bechstein's Bat sustenance zone and a Lesser Horseshoe Bat landscape connectivity zone associated with the Beer Quarry and Caves SAC. The

main potential impact on these species is disturbance of foraging and commuting areas caused by artificial lighting. A lighting scheme and lighting assessment have been produced which demonstrate that there would be no adverse effect on the protected bats. These have been updated to address the comments made by the District Ecologist.

An Appropriate Assessment that has been carried out for the proposal and Natural England are in agreement with the conclusion that an adverse impact on bats associated with the protected site would be avoided. Subject to compliance with the lighting scheme, there would be no adverse effect on the Beer Quarry and Caves SAC.

#### *Other wildlife considerations*

With regard to other wildlife, an ecological assessment (including emergence surveys) has been undertaken and the report advises that the existing house is confirmed as a day roost used by serotine, brown long-eared and common pipistrelle bats. Mitigation is therefore required, and this is proposed in the form of temporary roosting features in nearby trees and by incorporating suitable permanent features in the proposed building. Such measures have been included on the proposed drawings and can be secured by condition.

As this work would require a protected species licence, the Local Planning Authority must be satisfied that a licence is likely to be granted by Natural England before granting planning permission. Consideration must be given to the following matters in coming to a view on the likelihood of a licence being granted:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development
- there's no satisfactory alternative that will cause less harm to the species
- the development does not harm the long term conservation status of the species

In this case the development would provide a replacement dwelling with more living and work space to meet the needs of the applicant. Whilst the existing accommodation could be upgraded and enlarged, such work would be likely to interfere with the roosting spaces in the dwelling, resulting in no less harm than the proposed demolition. In respect of the final consideration, as set out above, the proposal would secure suitable mitigation to ensure the long term conservation status of the protected species. It is therefore concluded that a licence is likely to be granted by Natural England and that planning permission can be granted without conflicting with protected species legislation.

#### *Trees*

There are trees in the vicinity of the site and further information has been provided to address the objection from the Council's Tree Officer. There is no fundamental threat to the trees which could not be managed by a condition securing protection measures, suitable driveway construction and suitable routing for services.

### *Foul drainage*

Foul drainage would go to a new package treatment plan which would represent an upgrade on the arrangements for the existing dwelling. As a result (and subject to the demolition of the existing dwelling) the proposal would comply with Policy EN19 of the Local Plan.

### *Surface water drainage*

Run off from the poultry building is managed by an onsite SUDS scheme which would also take the run-off from the proposed dwelling. This would comply with Policy EN22 of the Local Plan.

### *Sustainability*

According to its energy performance certificate (EPC), the existing dwelling's energy rating is E and has the potential to be B. Its environmental impact rating is D and has the potential to be A. However, the suggested installation of floor insulation, heating controls, solar water heating and solar PV would not raise the energy rating above D. The single suggested change that would raise the energy rating to B is the installation of a wind turbine. Such an installation would require planning permission but a Written Ministerial Statement from 2015 advises that planning permission should not be granted unless the site has been identified as suitable in a local or neighbourhood plan and the proposal has the backing of the community. The potential to reduce the property's annual carbon output from 4.0 tonnes to 0.3 tonnes, as suggested in the EPC, is therefore limited.

It is not clear how quickly the carbon expenditure arising from the demolition of the existing building and the construction of the proposed building would be offset by the annual savings arising from a more efficient building. The emerging local plan says "Replacement of existing habitable buildings with new developments will only be supported in exceptional circumstances and will need to demonstrate that the full lifecycle carbon emissions will be net-zero", but there is no such requirement in adopted policy.

The proposal would incorporate the following measures:

- Mechanical Ventilation with Heat Recovery (MVHR) systems;
- Air source heat pump;
- High levels of insulation and air tightness to meet updated Building Regulations; and
- Electric vehicle charging points.

Such measures are the least that would be expected of a modern building and do not demonstrate an especially high level of sustainability. These measures are therefore only of modest benefit and weight in the overall balance.

## **CONCLUSION**

The need for improved living accommodation and work space is appreciated and a suitable scheme would be supported. This proposal, however, is unsuitable on two

counts: its poor-quality design is incompatible with the local vernacular; and its siting is incompatible with Policy H6 and would harm the Blackdown Hills National Landscape.

Whilst weight can be given to the economic benefits of the proposal, paragraph 88 of the NPPF, which supports a prosperous rural economy, says that new buildings should be well-designed and beautiful. Furthermore, paragraph 131 says that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good quality design is therefore a fundamental requirement, not just desirable, especially in a National Landscape.

In rural areas, paragraph 84 of the NPPF adds that isolated homes in the countryside may be permitted if the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

In addition, paragraph 139 says that significant weight should be given to proposals that reflect local design policies or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

However, the proposed design is not outstanding or innovative and is not sensitive to its surroundings. Consequently, no support for the proposal can be drawn from the NPPF.

It is regrettable that this application was submitted without seeking pre-application advice, informally or otherwise, and that this has resulted in a protracted decision process. However, this does not justify permitting a poor-quality scheme that would harm the landscape and scenic beauty of the Blackdown Hills National Landscape.

In view of the poor-quality design, the adverse landscape impact and the lack of any meaningful benefits from the proposed siting, the proposal would be contrary to Strategies 7 and 46 and Policies D1 and H6 of the Local Plan and Policies NE1 and BHE1 of the Dalwood Neighbourhood Plan, as well as guidance in the NPPF.

## **RECOMMENDATION**

ADOPT the Appropriate Assessment

and

REFUSE for the following reasons:

1. The poor-quality design of the proposed dwelling, including its alien form and unsympathetic fenestration and use of materials, would fail to respect or reinforce the architectural appeal of the Blackdown Hills National Landscape.

Furthermore, its prominent siting outside the curtilage of the existing dwelling on land that is required for planting in mitigation for the adjacent poultry buildings, would have an unacceptable adverse landscape and visual impact. The proposal is therefore contrary to Strategies 7- Development in the Countryside and 46 - Landscape Conservation and Enhancement and AONBs and Policies D1 – Design and Local Distinctiveness and H6 - Replacement of Existing Dwellings in the Countryside of the East Devon Local Plan 2013-2031, Policies NE1 - Conserving and Enhancing the Natural Beauty of the Parish and BHE1 - Maintaining the Built Character of the Parish through High-Quality Design of the Dalwood Neighbourhood Plan 2018-2031 and guidance in the National Planning Policy Framework (2023).

Plans relating to this application:

	Ecological Assessment	25.08.23
200_01 E + block	Location Plan	01.03.24
Lighting Strategy	General Correspondence	21.02.24
200_04 Rev F	Proposed Floor Plans	16.01.24
200_05 Rev F	Proposed Elevation	16.01.24

List of Background Papers

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

**Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics

are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.



<b>The Conservation of Habitats and Species Regulations 2017</b>		<b>East Devon District Council</b>
<b>Regulation 63 – Habitats Regulations Assessment</b>		
<b>Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC</b>		
<b>Part A: The proposal</b>		
<b>1. Type of permission/activity:</b>	Proposed replacement agricultural dwelling, including demolition of the existing dwelling and garage	
<b>2. Application reference no:</b>	23/0174/FUL	
<b>3. Site address: Grid reference:</b>	Sunnylands, Dalwood, EX13 7EA	
<b>4. Brief description of proposal:</b>	<ul style="list-style-type: none"> <li>• <b>Type of development</b> Demolition of a dwelling and construction of a replacement dwelling on agricultural land on a different part of the site.</li> <li>• <b>Distance to the European site</b>  10.7 km</li> <li>• <b>Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone)</b> Bat consultation areas: <ul style="list-style-type: none"> <li>• Lesser Horseshoe Landscape Connectivity Zone;</li> <li>• Bechstein's Bat Sustenance Zone; and,</li> <li>• Bechstein's Bat Landscape Connectivity Zone.</li> </ul> <p>The site is 1.35km, 1.6km, 1.8km and 2.0km from Bechstein's Bat key roosts.</p> </li> <li>• <b>Size</b> The area of the proposed demolition and the development footprint, including those areas disturbed during demolition and construction will be around 0.5Ha</li> <li>• <b>Current land use (habitat type and immediately adjacent habitat types)</b>  The existing 1970s dwelling and garage are surrounded by lawn with a small area of hardstanding for cars. Other than the hedgerow on the boundary with the adjacent lane, the edge of the curtilage is not clearly defined by any fences or other boundary treatment.  The site of the proposed dwelling is on agricultural land to the north of the existing dwelling. The land is not actively used for agriculture and the grass has been mown short. The northern edge of the site adjoins an area of land where tree planting has taken place to mitigate the landscape and visual effects of the large poultry houses that have been constructed to the east. There is a hedgerow to the west of the site adjacent to the lane and mature and semi-mature trees on the site margins.</li> <li>• <b>Timescale</b>  c. 1 to 2 years construction project</li> <li>• <b>Working methods</b> Small scale construction methods involving limited use of small-scale machinery.</li> </ul>	
<b>5. European site name</b>	Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585	

**6. Qualifying Features and Conservation Objectives:**

Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).

**Annex II species that are a primary reason for selection of this site**

- 1323 – Bechsteins bat (*Myotis bechsteinii*). This complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein’s bat *Myotis bechsteinii* as well as an important assemblage of other bat species.)

**Annex II species present as a qualifying feature, but not a primary reason for site selection**

- 1303 – Lesser horseshoe bat (*Rhinolophus hipposideros*)
- 1304 – Greater horseshoe bat (*Rhinolophus Ferrumequinum*)

**Conservation Objectives** (Natural England 27/11/2018):  
*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.*

*These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”*

The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.

<p>7. Ecological survey Summary of effort and findings</p>	<p><b>Name of documents containing ecological survey information:</b></p> <p>Ecological Impact Assessment (Richard Green Ecology, August 2023)</p> <p><b>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</b></p> <p>Visual inspection in March 2023 and emergence surveys in May and June 2023.</p> <p><b>Summary of relevant findings and Bat Activity Index (number of bat passes from greater and lesser horseshoe bats – note that Bechstein passes are unlikely due to low amplitude, flight patterns and cryptic call parameters):</b></p> <p>First emergence survey:</p> <ul style="list-style-type: none"> <li>• Five common pipistrelle bats were seen to emerge from under the fascia of the eastern dormer window.</li> <li>• Two serotine bats were seen to emerge from under the fascia of the western dormer window.</li> <li>• One brown long-eared bat was seen to emerge from under the fascia of the western dormer window.</li> </ul> <p>Second emergence survey:</p> <ul style="list-style-type: none"> <li>• One common pipistrelle bat was seen to emerge from under the fascia of the eastern dormer window.</li> <li>• One common pipistrelle bat was seen to emerge from under the fascia of the western dormer window.</li> </ul> <p><b>Relevant figure excerpts from document (maps, tables, if relevant/concise):</b></p> <p>Summary of peak counts for each roost present</p> <table border="1" data-bbox="379 987 1493 1234"> <thead> <tr> <th>Building ref</th> <th>Roost location</th> <th>Species</th> <th>Peak count</th> <th>Roost type</th> </tr> </thead> <tbody> <tr> <td>House</td> <td>Under fascia board</td> <td>Common pipistrelle bat</td> <td>5</td> <td>Day roost</td> </tr> <tr> <td>House</td> <td>Loft space</td> <td>Serotine bat</td> <td>2</td> <td>Day roost</td> </tr> <tr> <td>House</td> <td>Loft space</td> <td>Brown long-eared bat</td> <td>1</td> <td>Day roost</td> </tr> </tbody> </table>	Building ref	Roost location	Species	Peak count	Roost type	House	Under fascia board	Common pipistrelle bat	5	Day roost	House	Loft space	Serotine bat	2	Day roost	House	Loft space	Brown long-eared bat	1	Day roost
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**Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation**

<p>8. Is this application necessary to the management of the site for nature conservation?</p>	<p>The application is not required for management of Beer Quarry &amp; Caves SAC.</p>	
<p>9. What BQ&amp;CSAC consultation zones is the proposal within (insert "X")?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p>	<p>10 km GHB Landscape connectivity zone</p> <p>4 km GHB Sustenance zone</p> <p>2 km GHB Hibernation sustenance zone</p> <p>11.2 km LHB Landscape connectivity zone</p> <p>2.5 km LHB Sustenance zone</p> <p>1.2 km LHB Hibernation sustenance zone</p> <p>10.25 km Bechstein's Landscape connectivity zone</p> <p>2.5 km Bechstein's sustenance zone</p> <p>Pinch point</p>	<p></p> <p></p> <p></p> <p>X</p> <p></p> <p></p> <p>X</p> <p>X</p> <p></p>

<p><b>10. Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures.</b></p> <p>Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects.</p> <p><i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p> <p><b>If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY</b>, then the only impact to result in an LSE is “A – Landscape scale connectivity impacts”.</p> <p><i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.</i></p>	A – <i>Landscape (large) scale connectivity impacts</i>	N/A
	B - <i>Direct impacts on the SAC roost or other key roost(s)</i>	N/A
	C - <i>Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>	The new dwelling would be constructed on land that is already managed as if it were garden. It is not clear if the site of the demolished dwelling would be restored to farmland or garden but even if it is, the development would result in a net loss of green space of about 500 square metres (taking account of the buildings, hardstanding and driveway).
	D - <i>Severance or disturbance of linear features used for navigating or commuting</i>	N/A
	E - <i>Disturbance from new illumination causing bats to change their use of an area/habitat</i>	External lighting would be provided on three sides of the dwelling and the majority of the windows and glazed doors would be in the north west and south east elevations. There would be a balcony at each end of the building and a single ground floor window facing south west towards the hedgerow boundary.  Light spill from external light fittings and from windows/doors could result in disturbance of bats.
	F - <i>Disturbance to or loss of land or features secured as mitigation for BQ&amp;CSAC bats from previous planning applications or projects</i>	The proposal would prevent the delivery of some tree planting that was secured as mitigation for the landscape and visual effects of the adjacent poultry building (see reference 20/0121/MFUL). However, this was in no part secured as mitigation for impacts on BQ&CSAC bats.
	G – <i>Loss, damage, restriction or disturbance of a pinch point</i>	N/A
	E - <i>Other impacts – e.g. physical injury by wind turbines or vehicles</i>	N/A
<b>11. Potential for in-combination effects (other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the</b>	The site is in a countryside location where planning policies restrict development. Furthermore, there are no planning permissions in the vicinity of the site that could result in an in-combination effect.	

vicinity with similar impacts)	
12. Natural England consultation comments (if available)	03/03/2023 – (NE Ref 422275) Your authority will need to determine whether the proposal is likely to have a significant effect on the Beer Quarry and Caves Special Area of Conservation (SAC) bat populations by undertaking a Habitats Regulations Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.
<b>Part C: Conclusion of Screening</b>	
<p>13. Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?</p> <p><i>Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p>	<p>In the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC <b>is likely</b>, either 'alone' or 'in-combination' with other plans and projects.</p> <p><b>An Appropriate Assessment of the proposal will therefore be necessary.</b></p>
Name Date	Andrew Digby, Senior Planning Officer 16/01/2024

*Complete Section 2 if it is considered that a full Appropriate Assessment is required*

# The Conservation of Habitats and Species Regulations 2017

## Regulation 63 – Habitats Regulations Assessment

### Stage 2: Full Appropriate Assessment of effects on the qualifying features of the Beer Quarry and Caves SAC

#### Part D: Assessment of Impacts with Mitigation Measures

**NB:** In undertaking the Appropriate Assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the Authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

#### 14. Assessment of impacts taking account of mitigation measures included in the proposal and possible additional restrictions

**Applicant's proposed mitigation – Provide document reference numbers and titles below:**

**'Lighting strategy-lux contour and luminescence modeling and mapping – January 2024'**

**Site plan drawing 200\_02**

**Floor Plans drawing 200\_04**

**Elevations drawing 200\_05**

<b>Potential LSE (as identified in section 10. A-H)</b>	<b>Avoidance/Mitigation/Compensation measures proposed</b> <i>Consider both Construction and Operational Phases, and monitoring requirements.</i>	<b>Conclusion regarding effectiveness of mitigation and residual LSE</b> <i>Consider how measures would be implemented, how certain you are that measures will remove LSE, how long it will take for measures to take effect, monitoring requirements and changes that would be made if monitoring shows failure of measures.</i>	<b>Secured by</b>
14. A - <i>Landscape (large) scale connectivity impacts</i>	N/A		
14. B - <i>Direct impacts on the SAC roost or other key roost(s)</i>	N/A		

<p><b>14.C -</b> <i>Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p>	<p>There would be no loss of key foraging habitat as the site is currently closely mown lawn. No measures required.</p>		
<p><b>14.D -</b> <i>Severance or disturbance of linear features used for navigating or commuting</i></p>	<p>N/A</p>		
<p><b>14.E –</b> <i>Disturbance from new illumination causing bats to change their use of an area/habitat</i></p>	<p>External lighting would be limited to four downlighters. External and internal lighting would satisfy the following specifications:</p> <ul style="list-style-type: none"> <li>• All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources will not be used.</li> <li>• LED luminaires will be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.</li> <li>• A warm white spectrum (ideally &lt;2700 OKelvin) will be adopted to reduce blue light component.</li> <li>• Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012).</li> <li>• Internal luminaires will be recessed where installed in proximity to windows to reduce glare and light spill.</li> <li>• The use of specialist low-level downward directional luminaires to retain darkness above will be used</li> <li>• Column heights will be carefully considered to minimise light spill.</li> </ul>	<p>The distance between the building and the hedgerow on the western boundary would be about 23 metres. The distance to the two trees to the south of the dwelling would be about 14 metres.</p> <p>The lighting strategy includes Lux contour maps which show that light levels fall to 0.5lux at a distance of around 6-7 metres from the walls of the dwelling. The strategy does not address light spill from windows but based on the internal lighting specification, lux levels would be no greater at the same distance.</p> <p>Owing to the separation between the building and the tree and hedgerow, a dark buffer of at least 5 metres would remain.</p> <p>It can therefore be concluded that the mitigation measures would be effective in avoiding disturbance caused by lighting.</p>	<p>These measures would be secured by suitably worded planning conditions.</p>

	<ul style="list-style-type: none"> <li>• Only luminaires with an upward light ratio of 0% and with good optical control will be used – See ILP Guidance for the Reduction of Obtrusive Light.</li> <li>• Luminaires will be mounted on the horizontal, i.e no upward tilt.</li> <li>• The external lights will be set on motion-sensors (PIR) and short (1-2min) timers.</li> <li>• As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed</li> </ul>		
<p><b>14.F -</b> <i>Disturbance to or loss of land or features secured as mitigation for BQ&amp;CSAC bats from previous planning applications or projects</i></p>	<p>N/A</p>		
<p><b>14.G –</b> <i>Loss, damage, restriction or disturbance of a pinch point</i></p>	<p>N/A</p>		
<p><b>14.H -</b> <i>Other impacts – e.g. physical injury by wind turbines or vehicles</i></p>	<p>N/A</p>		



<b>Part E. In-combination impacts</b>	
<b>15.</b> List of plans or projects with potential cumulative in-combination impacts	The site is in a countryside location where planning policies restrict development. Furthermore, there are no planning permissions in the vicinity of the site that could result in an in-combination effect.
<b>16.</b> How impacts of current proposal combine with other plans or projects individually or in combination	N/A.
<b>Part F: Further Information</b>	
<b>17.</b> Compliance with current East Devon Local Plan  <i>List relevant environmental policies/ strategies and how this proposal achieves or opposes these policies/ strategies</i>	The replacement of dwellings in the countryside is supported in principle by Policy H6 of the Local Plan.  Suitable mitigation would be provided for the loss of day roosts resulting from the demolition of the existing dwelling and thus the proposal would comply with Policy EN5.
<b>18.</b> Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	N/A
<b>19.</b> Does the proposal take into account Natural England consultation responses, and include suitable measures as identified in the Natural England consultation? (if applicable)	Yes – the proposal addresses the impact on the Beer Quarry and Caves SAC.
<b>Part G. Conclusion of Appropriate Assessment - The Integrity Test</b>	
<b>20.</b> List of avoidance/mitigation/compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106)	Sensitive lighting as per section 14:  External lighting would be limited to four downlighters. External and internal lighting would satisfy the following specifications:  <ul style="list-style-type: none"> <li>• All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources will not be used.</li> <li>• LED luminaires will be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.</li> <li>• A warm white spectrum (ideally &lt;2700 0Kelvin) will be adopted to reduce blue light component.</li> <li>• Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012).</li> <li>• Internal luminaires will be recessed where installed in proximity to windows to reduce glare and light spill.</li> </ul>

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21. Conclusion of integrity test.	<p>EDDC concludes that <b>Adverse Effects on the Integrity</b> of Beer Quarry and Caves SAC qualifying features <b>can be ruled out</b>, providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions/obligations.</p> <p>These mitigation measures are considered to remove potential Likely Significant Effects and provide certainty beyond reasonable scientific doubt that the proposals would have no impact on the Integrity of the SAC.</p>
22. Completed by: Date:	Andrew Digby, Senior Planning Officer 16/01/2024
23. Comments from Natural England:	<p>No objection - subject to appropriate mitigation being secured.</p> <p>Neil Sherwood, Lead Adviser 05/02/2024</p>

**Appendix 1: Mitigation proposals**

See section 20.