

Ward Broadclyst

Reference 24/0226/FUL & 24/0227/LBC

Applicant Mr & Mrs Stewart

Location Town Tenement Farm Clyst Hydon Cullompton EX15 2NB

Proposal (24/0226/FUL) Demolition of lean-to structure, proposed part conversion to 1no. residential dwelling with garden and associated works, and the rebuild, repair and conservation of the existing barns.
(24/0227/LBC) Demolition of lean-to structure and the rebuild, repair and conservation of the existing barns.



RECOMMENDATION:

24/0226/FUL

- a) **ADOPT** the Appropriate Assessment.
- b) **REFUSE** the application.

24/0227/LBC

Approval with conditions



		Committee Date: 20.08.2024
Broadclyst (Clyst Hydon)	24/0226/FUL	Target Date: 05.04.2024
Applicant:	Mr & Mrs Stewart	
Location:	Town Tenement Farm Clyst Hydon	
Proposal:	Demolition of lean-to structure, proposed part conversion to 1no. residential dwelling with garden and associated works, and the rebuild, repair and conservation of the existing barns.	

RECOMMENDATION:

- a) **ADOPT the Appropriate Assessment.**
- b) **REFUSE the application.**

EXECUTIVE SUMMARY

This application is before members today because the recommendation to refuse planning permission is contrary to the views of the Ward Member and Parish Council.

The application site is located at Town Tenement Farm within the Clyst Hydon Parish of East Devon. The site comprises of a 16th century Grade II* Listed Farmhouse which sits within a farmyard complex and includes a number of historic and modern barns and is accessed via a private driveway from the main road through Clyst Hydon.

The proposed development seeks to remove an existing lean-to, repair and restore the Linhay and Cob Range and rebuild and convert the South Barn into a three-bedroom residential dwelling. The barns are in a state of disrepair and the South Barn has partially collapsed. The application is also in conjunction with 24/0227/LBC which seeks Listed Building Consent for the works.

The principle of the physical works to the barns are supported and would enhance the barns themselves as non-designated heritage assets and the setting of the Grade II* Listed Farmhouse. The proposed works would be supported by the National Planning Policy Framework (NPPF) (2023) which sets out that great weight should be given to the asset's conservation (P. 205) and East Devon Local Plan (EDLP) Policies EN8 and EN9. The works also have support from EDDC Conservation and no objections from Historic England.

The creation of a new dwelling in this location is not fully supported by Policy D8 of the EDLP as the South Barn is not capable of conversion and the site is not located close to a range of day-to-day services. The site is located within the countryside

outside of an identified built-up area boundary and as the proposal fails to fully comply with Policy D8, there are no development plan or neighbourhood plan policies that explicitly permits the change of use to a new dwelling here. This also means that the proposal would be contrary to Strategy 7 which restricts new development in the countryside.

Furthermore, the proposed dwelling would be in a location that at present does not benefit from a range of services and facilities that would render the site a sustainable location. The substandard pedestrian and cycle linkages and lack of public transport between the site and any services and facilities would mean that future occupants of the proposed development would be dependent upon the private car for most journeys to and from the site. The proposal would therefore fail to comply with Strategy 5B and Policy TC2 of the EDLP (2016).

The proposal has been assessed in relation to amenity, ecology and climate change and is considered to be acceptable subject to conditions. Habitat Mitigation Contributions have been secured via a S111 legal agreement.

The proposed works to restore the barns and enhance the setting of the Grade II* Listed Farmhouse is given considerable weight in the planning balance however it is not clear whether these works could be independent of any new dwelling. Whilst the conversion of the South Barn into a new dwelling may be the most viable use, the physical works to the barns and creation of a new dwelling in the countryside are separate planning issues and the benefits and harm of both must be given consideration.

The EDLP and NPPF have a presumption in favour of sustainable development and new dwellings in the countryside which do not benefit from a range of services and facilities and lack of public and active transport links are not supported in principle. Whilst it is acknowledged that Policy D8 could support the reuse of buildings in the countryside, in this case, the South Barn is not capable of conversion and the site is not located close to a range of day-to-day services. Policy D8 is very clear that the building must be capable of conversion to comply with the criteria of the policy. This means that the creation of a new dwelling is not supported by the NPPF or EDLP.

Any recommendation therefore requires the consideration of the heritage benefits of the scheme against the creation of a new dwelling in the countryside and reliance on private car travel, it is recognised that the issues are finely balanced however it is the view of officers that the proposed heritage benefits would on balance fail to outweigh the harm and would not justify a departure from adopted policies.

The proposal is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council – 5 June 2024

Clyst Hydon Parish Council fully support this planning application as documented in council meeting minutes dated 6th March 2024

Broadclyst - Cllr Eleanor Rylance – 2 July 2024

I'd like to comment on this application, despite the comments window having passed for councillors. I have received a call from the applicant, who has talked me through their project for the barn. I know that over the years this barn has considerably deteriorated. I also understand that the only reason this application was submitted as an LBC application, not a PDQ, was that it is within sight of a listed building, namely the house to which it currently relates. I have been told however that this proposal would sever the connection between the two buildings. In fact, the building in its current state is within the curtilage of the listed building and must surely be adding nothing whatsoever to the assembly of buildings as it is now in extremely poor condition.

It seems unlikely that it will ever be renovated as a barn- it is of a very dated design and appears unsuitable for most modern farming purposes (unlike a modular modern type barn, which can be dismantled and reassembled elsewhere, or removed entirely). I suggest that the next best use for this particular is for is to be repurposed- this proposal would go some way to achieve that, although every passing month of bad weather leaves it ever more degraded and precarious. If the only solution on offer to this deterioration is to transform it into a house, then I agree with the conservation team and would support the application.

Technical Consultations

Environmental Health – 13 February 2024

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

Conservation – 4 April 2024

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The submitted Heritage Statement provides a very detailed assessment of the barns the subject of this application. The barns are in poor condition and appear to have deteriorated considerably since the visits by Historic England & EDDC in 2014 & 2016 with notable changes even between June & September last year. It is worth noting that concerns for the deterioration of the barns requiring 'urgent and significant repair work' was raised in April 2016 by the Conservation Officer at that time. In addition, whether the works would result in the loss of further historic fabric and without substantial reconstruction.

A Structural survey has been submitted to accompany this application undertaken in August 2023 by Simon Bastone Associates Ltd. This is a detailed assessment including Mark-up Drawings giving an outline scheme of the structural repairs and rebuilding of walls for the south barn and the north barn.

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

Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of a designated or non-designated heritage asset is in question.

The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. It is appreciated that not all original uses will now be viable or even necessarily appropriate. However, here maybe other use more appropriate than residential accommodation and consideration given to these first, even if eventually discounted.

The proposed works relate to the conversion of the southern end of the complex to create a two-storey separate dwelling and the repair of the lincay and cob range for storage. It is noted that the new dwelling is to be separated from the farmhouse, but that the lean-to, lincay and stable range will remain with the farmhouse.

It is understood that Historic England provided pre-application advice on this scheme last year and were broadly supportive of the works. In their comments, they have already requested the following 'a detailed specification needs to be provided for the repairs as well as structural works. Furthermore, in order secure these benefits consideration, the council may want to give further consideration to the phasing and occupation of the site to ensure that the repairs are secured as part of the wider conversion'.

There is no objection in principle to the proposed works and detailed comments from the Conservation Team are set out below:

Record Photographs: taken in April 2023. Considerable deterioration has now occurred, with further collapse, particularly at the southern end. It is noted that the photographs will form the basis of any re-build construction;

Site Plan: this clearly shows the existing buildings to be retained and their context, the proposed new dwelling, including the addition of the engine shed and boot room to the south, the demolitions and the repair of the lincay and cob range and lean-to at the northern end. It is also noted that a garden area for the dwelling is to be created to the south of the barn and this should be conditioned to ensure that any surfacing/boundary treatment is appropriate to the rural and heritage setting;

Ground floor: the lean-to, lincay and cob range are to be retained and repaired as tack room, open storage, and stable. This is welcomed, but full details of the repairs will be required as suggested by Historic England, see above. The part brick/part cob barn to the south is in extremely poor condition with the loss of much of the walls and the roof. It is to be 'converted/reconstructed' to form a separate 3no. bedroom dwelling with the addition of an engine shed and boot room lean-to based on historical evidence (mapping & photographic) to a similar footprint. This element is not entirely convincing in terms of its complete reconstruction and overall 'glazed' appearance, but given the loss of historic fabric and the intention to retain what remains is accepted;

First Floor: as ground floor with slate roof to engine shed, lead to flat roof of boot room and slate to the lean-to. The latter subject to repairs and structural assessment;

Roof plan: it is noted that all roof trusses and purlins are to be retained and repaired as required, subject to structural assessment. Roofs to be mainly natural slate and conservation rooflights to face south away from the Grade II* listed building;

West elevation: this utilises existing openings within the lean-to and linhay/cob range and an original first floor opening in the brick barn. A further new ground floor opening is to be installed in the brick barn to provide light and ventilation to Bedroom 3;

East elevation: this again utilises existing openings within the lean-to and linhay/cob range. The brick barn is largely to be re-built with the new engine room. A new flue is to be located in the engine house roof.

North elevation: agricultural appearance to courtyard retained and repaired utilising the existing opening into brick barn as new entrance door to dwelling;

South elevations: the main changes to the barn are on the south side away from the farmhouse. The structure will need to be re-built using photographic evidence and salvaged materials wherever possible.

Sections: no specific comments.

Structural survey: see above, but a more detailed Schedule of repairs including specifications, engineers drawings will be required by condition to fully clarify the works;

Conclusion: the overall scheme appears to be inline with guidance and advice received from Historic England and will ensure the proper care and repair of the linhay/cob range, subject to submitted details of the works. There is some concern relating to the poor and deteriorating condition of the barns, noted previously 8-10 years ago. Part of the building is certainly not capable of repair and now requires taking down and re-building. However, this should be mindful of para 202 of the NPPF23. Whilst this is not necessarily deliberate (see D & A), little appears to have been done to protect the buildings, although it is noted in the Heritage Statement para 4.19 and seen on site that some temporary works have been installed to prevent further collapse. In view of the current situation and the condition of the buildings, it is felt that more needs to be done immediately to protect the historic fabric and to store and protect any salvageable materials for re-use in the project.

There is certainly heritage gain in terms of the listed building and its setting (in line with para 212 NPPF23). It is appreciated that the barns would be repaired and renovated and that the present farmhouse is currently in use. However, there is an expectation that the part to provide a new dwelling should not overtake the need to repair and renovate the cob range which holds considerable value in their own right as well as contributing to the significance of the house as part of the associated complex.

This needs further discussion to ascertain the effectiveness of the phasing of works and conditions. There are certainly heritage benefits in the repair and use of the barns and securing their future. However, there is considerable concern relating to how this is

managed effectively, and further discussion and consideration needs to be given to how this can be achieved.

PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle, subject to conditions.

Natural England – 21 February 2024

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

Natural England – 17 July 2024

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as East Devon Pebblebed Heaths SAC, East Devon Heaths SPA. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

EDDC District Ecologist – 11 March 2024

The application is supported by an Ecological Appraisal (Bats and Birds) including one bat emergence survey and one dawn re-entry survey, undertaken in the most recent optimal survey period, and supported by night vision aids. The surveys determined the buildings are used by common pipistrelle, serotine, and long-eared bats as a day roost. The buildings are also used by nesting birds. A European Protected Species Licence (EPSL) will be required for the works.

The report (section 2.3) indicates that bat droppings were collected for DNA analysis, but section 4.1.1 indicates that DNA analysis of bat droppings is required to determine the species of long-eared bat present. No ecological mitigation is proposed in section 4.1.2 for bird mitigation, although suitable measures are proposed in Table 4.1 including the provision of five bird nest boxes and swallow nesting provision. The open-fronted linhay is likely to provide suitable nesting provision for swallows once re-roofed. The other bird nesting provision should consist of integrated bird bricks within the buildings, rather than timber bird boxes on trees.

Recommendations are made to provide two bat voids for long-eared bat species (section 4.1.1). The report indicated these voids should be 0.5 m deep to the ridge. Ideally, replacement bat lofts should be 5 m x 5 m x 2.8 m (loft floor to ridge), with a minimum ridge void no smaller than 2 m. There would be sufficient area/height for a bat void/loft above the linhay/cob range and any loft would need to have a suitable roofing membrane, as stated within the report.

The site lies within 10km of East Devon Pebblebed Heaths SPA. A Habitat Mitigation contribution, as set out on the EDDC website, would be required to off-set potential impacts from the works on the designated site.

If minded for approval, conditions are recommended:

Historic England – 2 April 2024

Town Tenement Farmhouse is a multi-phased Devon farmhouse, which originated as a three-room cross passage with an open hall, before a chimney was introduced and the hall was floored over by the 17th century. Built from cob, the building retains a number of important surviving features including a plank and muntin screen which helps to articulate the evolution of a moderate status vernacular property.

Due to its more than special architectural and historic interest, the house has been listed at grade II* and forms the top 8% of all listed buildings in England.

The application relates to the range of ancillary cob outbuildings. These form an L shape plan to the west of the courtyard and are a component piece in respect of the setting of the main house. The barn has evolved over various phases but of greatest value is the cob range which includes the linhay and is evident on the tithe map (circa 1841).

The linhay and barn were robustly built and of a solid traditional construction. Linhays began to appear from the 17th century onwards. Due to the shared materiality with the main house and its overall quality of construction, the range is likely to be of some age. Therefore, the cob range holds considerable value in their own right as well as contributing to the significance of the house as part of the associated complex.

The proposed works relate to the conversion of the southern end of the complex and the repair of the linhay and cob range.

Historic England provided pre-application advice in respect of the proposals. The information presented in terms of the conversion is in line with that earlier advice and we have no further comment to make.

In respect of the restoration of the Linhay and Cob Barn, these works offer an exciting opportunity to secure the repair of these important structures. We consider that a detailed specification needs to be provided for the repairs as well as structural works. Furthermore, in order to secure these benefits consideration, the council may want to give further consideration to the phasing and occupation of the site to ensure that the repairs are secured as part of the wider conversion.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 37 (Community Safety)
Strategy 38 (Sustainable Design and Construction)
Strategy 47 (Nature Conservation and Geology)
Strategy 49 (The Historic Environment)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D8 (Re-use of Rural Buildings Outside of Settlements)
EN5 (Wildlife Habitats and Features)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN14 (Control of Pollution)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site is located at Town Tenement Farm within the Clyst Hydon Parish of East Devon. The site comprises of a 16th century farmhouse which sits within a farmyard complex and includes a number of historic barns including an 'L' shaped barn to the south of the house. The site also includes a number of extensions to existing buildings and barns and more modern barns and is accessed via a long private driveway from the main road through the village of Clyst Hydon.

The main farmhouse is Grade II* Listed and is not located within a Conservation Area. There are no TPO protected trees on or around the site.

The surrounding area is rural and includes the village of Clyst Hydon including a primary school as well as a number of farms and/or employment uses.

PLANNING HISTORY

The site has the following planning history:

- o 87/P1891 | Roadside Sign | APPROVED (05.01.1988)
- o 89/P1522 | Stock Building | APPROVED (11.08.1989)
- o 92/P1468 | Timber Frame Agricultural Building | APPROVD (19.10.1992)
- o 01/H0029 | Remove Existing Render & Replace | CLOSED (01.01.2005)
- o 03/P1165 | Replace 'Tunnerised' Slate Roof With New Slate.remove Chimney And Fit Skylight | APPROVED (20.10.2003)
- o 14/2103/FUL | Construction of single storey extension to north elevation | APPROVED (24.12.2014)
- o 14/2104/LBC | Replacement windows and doors; internal alterations, construction of single storey extension to north elevation | APPROVED (24.12.2014)
- o 18/1216/LBC | Extension of rear (north) elevation; replace 1 no. skylight and install 1 no. new skylight on existing rear (north) elevation; rebuild staircase; various internal works to include removal of partition walls and construction of partition walls and to include new door openings; create 3 no. new window openings in plant room side (east) elevation; create 1 no. new window opening in rear elevation; replace and re-configure 3 no. windows on rear elevation and replace 8 no. windows on front (south) elevation; insert 2 no. double garage doors on front elevation; re-render all elevations | APPROVED (11.09.2018)
- o 20/1207/FUL | Construction of an all-weather equestrian exercise arena for private use | APPROVED (11.09.2020)

APPLICATION

The application seeks planning permission for the demolition of lean-to structure, proposed part conversion to 1no. 3-bedroom residential dwelling and associated works, and the rebuild, repair and conservation of the existing barns. The proposed works relate to the L shaped barn to the south of the farmhouse and no works are proposed to the farmhouse. The proposal would also include two extensions to the South Barn - the engine shed and boot room as well as the creation of a private amenity garden with new fences and gates, air source heat pump, bin and bike storage and car parking. Please see the application form and submitted plans for further information.

The application is in conjunction with 24/0227/LBC which seeks listed building consent for internal and external works to the barns.

NEIGHBOUR CONSULTATION

No responses from neighbouring properties were received.

ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted East Devon Local Plan (EDLP) (2016) sets out the planned provision (including existing commitments) will be made in East Devon for: 1. A minimum of 17,100 new homes in the 2013 to 2031 period; and 2. Development on around 150 hectares of land for employment purposes. The overall spatial development approach is as set out below: 1. East Devon's West End will accommodate significant residential development and major employment development to attract strategic inward investment along with supporting infrastructure and community facilities. 2. The seven main towns of East Devon will form focal points for development to serve their own needs and the needs of surrounding rural areas. 3. The Local Plan will set out how development in smaller towns, villages and rural areas will be geared to meeting local needs.

Strategy 7 (Development in the Countryside) of the adopted EDLP (2016) states that the countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the adopted EDLP (2016) states that the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the adopted EDLP (2016) also states that for residential proposals it must be established that: a) the building is no longer required for agricultural use or diversification purposes; and b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc. c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents.

The application seeks approval for the demolition of a lean-to structure, repair and restoration to a number of barns and the re-build and conversion of the South Barn to a residential dwelling. The demolition and repair works to the Linhay and Cob Range would not seek to amend the use of these barns and therefore no concerns are raised in principle. The conversion of the South Barn would result in a change of use and therefore consideration must be given to whether the change to a dwelling would be suitable in land use terms.

The application site is located outside of any Built-Up Area Boundary (BUAB) and is therefore located within the countryside. Strategy 7 of the EDLP sets out that development in the countryside is resisted except where it is explicitly supported by a specific Local or Neighbourhood Plan policies and where that development would not harm the distinctive landscape, amenity, and environmental qualities of the area in which it is located. Strategy 1 of the Local Plan sets out the scale and distribution of residential development in the district for the period 2013-2031 with the main focus is on the 'West End' and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development. The Local Plan does not allocate any housing for the parish of Clyst Hydon. Additionally, at the time of determination, Clyst Hydon has not adopted a Neighbourhood Plan.

Policy D8 (Re-use of redundant rural buildings) of the EDLP could potentially offer support for such development and sets out that re-use or conversion of buildings in the countryside outside of BUAB will be permitted, subject to a number of criteria. The policy sets out amongst other things that the new use will be sympathetic to the setting, is in a location which will not substantively add to the need to travel by car, the building is structurally sound and capable of conversion, the design is in keeping with its surroundings and the proposal would not undermine the viability of an existing agricultural enterprise. The proposed design and materials shall be discussed later in the report however these are considered to be acceptable. Given the current condition of the barns, they are not currently in active use and the proposal would seek to bring a number of them back into a more active use therefore the proposal is not considered to undermine the viability of the farm or require replacement buildings.

The conversion of the South Barn into a new dwelling has raised concerns with Officers as to whether the use is the most appropriate use. The barn was traditionally used as part of the farm and the most appropriate use would be similar to the previous uses such as agricultural or storage. Policy D8 (1) sets out that the new use should be sympathetic to and will enhance the rural setting and character of the building and surrounding area. The proposed re-building of the South Barn has heritage benefits and would enhance the setting

of the Grade II* Listed Farmhouse and is therefore supported. The applicant submitted information assessing various alternative uses for the South Barn including Class E, Class B2/B8, Class F1/ F2, Sui Generis and Residential Uses. The size, scale and location of the Barn and availability of car parking meant that it would not have been entirely appropriate for commercial, industrial, or educational uses and concluded that residential uses were the most viable. The applicant also indicated that due to the size of the barn and proposed openings, the barns have outlived their usefulness for agricultural purposes. The Local Planning Authority (LPA) has questioned whether the works to the barns could be completed independently to the conversion to a dwelling or whether the works are enabling works however responses from the applicant have not given a clear response. In any case, Historic England and EDDC Conservation do not object to the change of use to a dwelling however the conversion to a new dwelling should not overtake the need to repair and renovate the cob range and the phasing of works shall be controlled via a condition. Therefore, it is considered that whilst the physical works to the Barn would enhance the setting, the change of use to a dwelling is not considered to harm or enhance the setting or character of the area.

As already established, the site is located outside of a BUAB and is located in the countryside. The proposal would be located approximately 500m from a Bus Stop (weekly service from Exeter to Awliscombe), 500m from Clyst Hydon Primary School and 750m from The Five Bells Inn (currently closed). There are no convenience stores, doctor's surgeries or train stations within walking or cycling distance from the site. The site's location and distances to services is likely to result in the use of private car travel for day to day needs especially when there are no pedestrian pavements or streetlights between the site and existing services in the local area which would further deter walking and cycling. The proposal is therefore not considered to have support from Policy D8 (1).

As set out in the Heritage Statement submitted as part of the application, the South Barn has partially collapsed and is not capable of conversion. The policy is clear that re-use or conversion of buildings in the countryside will only be permitted where the building is structurally sound and capable of conversion. As the proposal would require substantial works to form a new dwelling, the proposal would not have support from Policy D8 (2).

Policy D8 also sets out that for residential proposals it must be established that: a) the building is no longer required for agricultural use or diversification purposes; and b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc. c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents. As noted above, the current barns are not in use and works would restore a number of barns into use by the main farmhouse. The proposed works to the barns would help to enhance the setting of the farm and Grade II* Listed Building and removal of the modern lean-to would be of benefit. The use of the barn as a dwelling would neither harm or enhance the setting of the listed building but the proposal is not considered to meet the needs of future residents due to the location of the proposal in the countryside and poor pedestrian and cycling opportunities. The proposal therefore would not be fully supported by Policy D8 here.

Strategy 7 of the EDLP sets out that development in the countryside is resisted except where it is explicitly supported by a specific Local or Neighbourhood Plan. The proposal subject to criteria could have support from Policy D8 however as set out above, the proposal does not comply with a number of the criteria such as its location and need to

travel by car and as the South Barn is not structurally sound and capable of conversion. The proposal therefore would be in conflict with Strategy 7 and Policy D8 when read as a whole.

In relation to public benefits, the proposed conversion into a new dwelling would contribute a dwelling to the district's housing stock and would be liable for Council Tax and Community Infrastructure Levy contributions. The proposed works would also restore the barns and enhance the setting of the Grade II* Listed Building which should be given considerable weight in the planning balance. The proposal would result in economic benefits associated with the construction and internal works. However as noted above, it is not clear whether the works could be completed independently of a new dwelling.

In summary, the proposed works to the barns are supported in principle and would enhance the setting of a Grade II* Listed Building and non-designated heritage asset. However, the proposal would result in a residential dwelling located in the countryside which would lead to an increase in private car travel. The proposal would fail to comply with the sustainability objectives of the Local Plan and NPPF which sets out that new development should be located close to a range of accessible services and facilities to meet the everyday needs of residents. The proposal would not be fully supported by Policy D8 and therefore would fail to have support from Strategy 7 of the EDLP which restricts development in the countryside. The proposed public benefits would on balance fail to outweigh the harm and therefore the proposal is not supported in land use terms.

B) DESIGN, SCALE AND LAYOUT AND IMPACT ON THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE GRADE II* LISTED BUILDING

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (December 2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority is required under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is therefore considered that the proposed work will preserve the character and historic fabric of the listed building and duly recommended for consent subject to conditions.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight."

Strategy 49 (The Historic Environment) of the adopted EDLP (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy D1 (Design and Local Distinctiveness) of the adopted EDLP (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development.

Policy D2 (Landscape Requirement) of the adopted EDLP (2016) states that landscape schemes should meet all of the following criteria:

- a) Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
- b) Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
- f) The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Policy EN8 (Significance of Heritage Assets and their Setting) of the adopted EDLP (2016) states that when considering development proposals the significance of any heritage assets and their settings, should first be established by the applicant through a proportionate but systematic assessment following East Devon District Council guidance notes for

'Assessment of Significance' (and the English Heritage guidance "The Setting Of Heritage Assets"), or any replacement guidance, sufficient to understand the potential impact of the proposal on the significance of the asset. This policy applies to both designated and non-designated heritage assets, including any identified on the East Devon local list.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted EDLP (2016) states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Where total or partial loss of a heritage asset is to be permitted the Council may require that:

- e) A scheme for the phased demolition and redevelopment of the site providing for its management and treatment in the interim is submitted to and approved by the Council. A copy of a signed contract for the construction work must be deposited with the local planning authority before demolition commences.
- f) Where practicable the heritage asset is dismantled and rebuilt or removed to a site previously approved.
- g) Important features of the heritage asset are salvaged and re-used.
- h) There is an opportunity for the appearance, plan and particular features of the heritage asset to be measured and recorded.
- i) Provision is made for archaeological investigation by qualified persons and excavation of the site where appropriate.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations.

The application site comprises of a Grade II* Listed Farmhouse as well as the farmyard complex which includes a L shaped barn (Linhay and Cob Range) and a number of outbuildings. The works proposed related to the L shaped barn and there are no works proposed for the farmhouse or other outbuildings. The L shaped barn is home to the South Barn, Linhay, Stable, Open Store and Tack Room.

The L shaped barn sits to the south of the farmhouse with an open courtyard separating the two and the main farm access leads from the main road into this courtyard. The Linhay and Cob Range are evident on the tithe map (circa 1841) and are considered to be of the greatest value of range of outbuildings associated with Town Tenement Farmhouse. These

barns are of a locally distinctive character in their form, function, construction methods and use of materials and are a component piece in respect of the setting of the main house. Whilst the L shaped barn is not listed itself, given its age, former uses, location and relationship with the main farmhouse, they are considered to be curtilage listed in line with Historic England Advice Note 10 (Section 2.2). It is acknowledged that the Heritage Statement concludes that the barns would not be curtilage listed however given that a separate Listed Building Consent has been applied for, the LPA is of the view that they are curtilage listed. Furthermore, in any case, given the age of the barns and relationship with the main farmhouse they would also be considered as non-designated heritage assets.

The barns which are the subject of this application are in a poor condition especially the South Barn which is in an extremely poor state of repair and large sections have collapsed including the roof. The barns have been subject to a number of alterations which have negatively impacted them such as the loss of the engine house, loss of internal features, modern lean-to as well as the general poor condition. The lean-to which is north of the barns has also partially collapsed.

The proposed development seeks to demolish an existing modern lean-to structure to the east of the Linhay and to repair and restore the Linhay and Cob Range. A lean-to structure to the north of the range would also be repaired and restored. The proposal also seeks to re-build and convert the South Barn into a two storey, 3-bedroom residential dwelling. The proposal would also include two extensions to the South Barn - the engine shed and boot room as well as the creation of a private amenity garden with new fences and gates, air source heat pump, bin and bike storage. It is considered that details of boundary treatments, gates and fences could be secured via a condition to ensure they reflect the local character.

The removal of the modern lean-to structure is considered to be positive as well as the repair and restoration of the Linhay and Cob Range which would remain with the farmhouse. The works would include the replacement of rotten posts, new natural slate roof, new lime rendered walls, new timber windows and doors, replacement cladding and new timber boarding to replace the existing opening in the stable. The proposals would keep these barns in a more active use which is important for their up-keep. The proposal would also involve repairing and restoring an existing lean-to to the north of the L shaped barn (also known as The Extension) including new rendered block work, new slate roof and new windows and doors. The proposed works are considered to preserve and enhance the range of historic barns and which would better reveal their significance and will enhance the setting of the Grade II* Listed farmhouse.

The South Barn as noted above, has collapsed and is in need of works to restore it. The proposal would include the re-building of the barn as well as the addition of an engine shed and boot room lean-to. The re-building of the barn would be very similar to the original barn in terms of its form and surviving sections of cob would be reinstated. The roof would be reconstructed with natural slate tiles with a number of conservation roof lights on the southern elevation. The proposed boot room would be approximately 2m in width, 2m in depth and 2.34m in height and would be finished in aluminium glazed panels, timber boarding and timber door with a lead flat roof. The proposed engine shed would be approximately 5.4m in width, 5m in depth and 5.1m in total height and would be finished in render with a natural slate roof. The proposed engine shed would be in part a replacement of the engine wheelhouse which previously existed on the farm and is evident of the tithe

map (circa 1841). The engine wheelhouse would be finished glazing which is not traditional for these buildings and concerns were raised by EDDC Conservation regarding the complete reconstruction and overall 'glazed' appearance however given the loss of historic fabric and the intention to retain what remains, the proposal would be acceptable. This glazed appearance is not considered to result in any material harm to the asset and in any case, would be outweighed by the conservation of the barns. The proposed extensions would be considered an appropriate scale and design in this instance.

The proposal would also include landscaping within the private amenity space to the south of the proposed dwelling. At present, limited information has been provided however details of hard and soft landscaping could be secured via a condition.

The application was reviewed by Historic England who stated that they provided pre-application advice in respect of the proposals and the information presented in terms of the conversion is in line with that earlier advice. In respect of the restoration of the Linhay and Cob Barn, these works offer an exciting opportunity to secure the repair of these important structures.

The application was also reviewed by EDDC Conservation who stated that the barns are in poor condition and appear to have deteriorated considerably since the visits by Historic England & EDDC in 2014 & 2016 with notable changes even between June & September last year. The proposed works appears to be in line with guidance and advice received from Historic England and will ensure the proper care and repair of the linhay/cob range, subject to submitted details and phasing of the works. EDDC Conservation concluded that there is certainly heritage gain in terms of the listed building and its setting from the proposed works.

In summary, the proposed works are considered to be appropriate and would help to restore the existing barns. The proposed works would help to enhance the setting of the Grade II* Listed Farmhouse which is given considerable weight. The proposal is considered to be in line Section 16 of the NPPF and Policies D1, D2, EN8 and EN9 of the EDLP.

C) THE AMENITY OF NEIGHBOURING PROPERTIES/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (Dec 2023) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted EDLP (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the adopted EDLP (2016) states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. Pollution of the atmosphere by gas or particulates, including. smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
 - a) Rivers, other watercourses, water bodies and wetlands.
 - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
 - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in

areas of open countryside and areas of nature conservation value. 5. Fly nuisance. 6. Pollution of sites of wildlife value, especially European designated sites or species. 7. Odour

The development would be located between 10m and 30m to existing Farmhouse. The development closest to the Farmhouse would involve repairing and restoring the existing barns and the proposed works would not involve any change to the height, width or depth to the barns and any external material changes are considered to result in any harm to the existing Farmhouse. The removal of the lean-to structure adjacent to the Linhay would not result in any harm. The Linhay and Cob range would remain in use by the Farmhouse and the use of these barns would be ancillary to the Farmhouse.

The South Barn would be located approximately 30m from the existing Farmhouse and the rebuilding of the South Barn is not considered to result in any harm to the Farmhouse in terms of overbearing or overshadowing impacts and the proposal and form would be similar to previous barn. The proposed extensions to the barn would be to the south and therefore would be screened by the South Barn itself. The South Barn would include a rear or north facing door with glazed panel which would be towards the Farmhouse however this would serve the hallway and not a habitable room and would be partially screened by other barns. The proposal would include windows and/or door which face to the east, south and west however these would face an adjacent barn, the courtyard and to towards the private amenity space. The proposal would not result in outlook towards the Farmhouse or its private amenity space however it is acknowledged that the South Barn would be within the farm complex and therefore views towards the farm, courtyard and outbuildings would be achieved. The proposal is not considered to result in any significant harm to the Farmhouse in relation to overbearing, overshadowing, or overlooking impacts.

The proposal would be located between 71m to 112m from Whimbrel, The Twinnies, Frogspool and Ennore, approximately 94m from Blampins Farm and 155m from Osmonds Cottage. These neighbouring properties would all be to the north of the barns and new dwelling and given the separation distance, location of outbuildings and existing landscaping, the proposal is not considered to result in harm to these neighbouring properties in relation to overbearing, overshadowing, or overlooking impacts.

The proposal would result in the change of use of the South Barn to a new dwelling. The proposal would generate some additional noise and disturbance compared to the existing barn however the proposal would be located approximately 30m from the Farmhouse and any noise or disturbance is unlikely to be harmful given the proposed use.

Overall, the proposal is acceptable in this instance and subject to conditions, the proposal would comply with Policy D1 of the East Devon Local Plan (2016).

D) THE AMENITY OF FUTURE OCCUPIERS/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for future users.

Strategy 37 (Community Safety) of the adopted EDLP (2016) states that through the East and Mid Devon Community Safety Partnership the Council will work to reduce crime and

the fear of crime in the District. The Council will encourage new development that has been designed to minimise potential for criminal activity and incorporates the principles of 'Secured by Design' and will support development proposals aimed specifically at improving community safety.

Policy D1 (Design and Local Distinctiveness) of the adopted EDLP (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

The proposed dwelling would measure approximately 137m² internally and bedroom sizes would be between 13.5m² and 9.7m². The overall internal floor space would comply with the Nationally Described Space Standard for a three-bedroom, five-person, two storey dwelling (93m²). The proposed bedroom sizes would also be sufficient, and storage would exceed the standard. The internal floor to ceiling height would also be acceptable.

The proposal would include windows to serve all habitable rooms which would offer sunlight/daylight throughout the day and the dwelling would benefit from private amenity space to the south of the barn. As the barn and amenity space would be located within the farm complex and adjacent to access ways, it is recognised that glimpses into the amenity space and dwelling may be achieved from surrounding areas however these are likely to be passing views and landscaping and trees are proposed within the private amenity area to help screen views and protect the privacy of future occupiers.

The proposed development is overall considered to protect the interests of future occupiers in accordance with Policy D1.

E) TRANSPORT, ACCESS, MOVEMENT AND WASTE

Strategy 5B (Sustainable Transport) of the adopted EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the adopted EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. Where proposals are likely to attract large numbers of visitors they must be accessible by public transport available to all sectors of the community. Development involving the creation of public open space, car parking area, highways and other areas to which the public have access, must provide adequate provision for persons with reduced mobility.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Footways and routes for pedestrians and cyclists within and through new development

schemes will be encouraged. These measures may include both shared and exclusive surfaces to provide safe, convenient and attractive routes, and must be designed to take account of the needs of persons with restricted mobility. Wherever possible the opportunity should be taken to join, upgrade and extend existing or proposed networks. Development which would result in the loss, or reduce the convenience or attractiveness of an existing or proposed footpath, cycleway or bridleway, will not be permitted unless an acceptable alternative route is provided.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. Where new development requires off-site highway improvements any planning permission granted will be subject to a planning obligation requiring these works to be carried out either by the developer, or through an agreement with the Highway Authority to ensure that: 1. The required highway improvements are included in, and, will be constructed as an integral part of the development or are part of a programmed improvement scheme to be undertaken by the Highway Authority. In the case of programmed schemes the planning permission will be subject to a condition delaying its implementation until the highway improvements have been carried out, unless otherwise agreed by the Highway Authority. 2. The applicant is in a position to secure the implementation of the required highway improvements.

Policy TC9 (Parking Provision in New Development) of the adopted EDLP (2016) states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary. All small scale and large scale major developments should include charging points for electric cars.

The application site is located outside of the built-up area boundary and is located within the countryside. The proposal would be located approximately 500m from a Bus Stop, 500m from Clyst Hydon Primary School and 750m from The Five Bells Inn.

The site itself would be accessed via the existing private drive to the farm complex. The private drive measures approximately 140m, is a shared surface and does not include any street lighting. The main road through the village of Clyst Hydon does not have any dedicated pedestrian or cycling pavements and does not include street lighting. The lack of pavements and streetlights and means that future residents are likely to favour travel by private car over sustainable modes of transport. It is acknowledged that the site is within 500m of a bus stop however the lack of walking/cycling infrastructure and very limited bus service means that the use of the bus is unlikely to be convenient for future users. As previously noted, there are limited day to day services in the local area which would mean that future residents are reliant on the private car for services, employment, healthcare and other needs. The proposal would therefore fail to comply with Strategy 5B which states that development proposals should contribute to sustainable modes of transport and Policy TC2 which seeks to minimise the need to travel by car.

In terms of vehicle access, the entrance and private drive is existing and the proposal is not considered to result in any harmful increases in traffic movements in this instance. The proposal would include two dedicated car parking spaces within the open courtyard which would be suitable given the number of bedrooms proposed. It is expected that an EV charging point would be provided for the new dwelling and details can be secured via a condition. If an approval was forthcoming, it would be necessary to condition that the use of the new dwelling remains as Use Class C3 unless agreed with the Local Planning Authority. The use of the South Barn for other uses such as commercial or for holiday accommodation could lead to increases in traffic movements could negatively impact the amenity of neighbouring properties and would lead to additional trips within the local area.

The proposal would include three cycle parking spaces within the modern timber barn. Whilst the level of cycle parking is supported, the location is not accessible, could potentially be in different ownership and would deter the use of cycling. Further details of the cycle parking would be secured via a condition.

The proposal would include a dedicated waste storage area within the private amenity space. The waste would be collected from the main road which would be over 140m from the store. This would generally be unacceptable however given the context this would be suitable, and the existing farmhouse would also need transport waste to the collection point.

Overall, whilst the level of car parking and cycle parking is acceptable, the application site is in a location that at present does not benefit from a range of services and facilities that would render the site a sustainable location. The substandard pedestrian and cycle linkages and lack of public transport between the site and these services and facilities would mean that future occupants of the proposed development would be dependent upon the private car for most journeys to and from the site. The proposal would therefore fail to comply with Strategy 5B and Policy TC2 of the East Devon Local Plan (2016).

F) SUSTAINABILITY AND CLIMATE CHANGE

Strategy 3 (Sustainable Development) of the adopted EDLP (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:

- a. Conserving and Enhancing the Environment
- b. Prudent natural resource use
- c. Promoting social wellbeing
- d. Encouraging sustainable economic development
- e. Taking a long term view of our actions.

Strategy 38 (Sustainable Design and Construction) of the adopted EDLP (2016) states that encouragement is given for proposals for new development and for refurbishment of, conversion or extensions to, existing buildings to demonstrate through a Design and Access Statement how:

- a) Sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;
- b) The development will be resilient to the impacts of climate change;

- c) Potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.
- d) Biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.

As part of this application, limited information has been provided regarding sustainable design and construction. The proposal would seek to re-use of the existing materials on site which is supported. The proposal would also include an Air Source Heat Pump for heating and hot water which is also supported by Strategy 38. The ASHP would be located to the south of the new dwelling and further details and screening would be secured via a condition. The proposal would also include dedicated waste and cycle storage, additional soft landscaping and trees, and the proposal would incorporate bat and bird boxes within the elevations and roof of the proposal. The proposed dwelling would have windows facing towards the south to maximise solar gain. Given the scale of the development, the proposal is considered to acceptable in terms of sustainability and climate change.

G) NATURE CONSERVATION AND BIODIVERSITY

Strategy 47 (Nature Conservation and Geology) of the adopted EDLP (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

Strategy 47 (Nature Conservation and Geology) of the adopted EDLP (2016) states that where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. Off-site provision in the form of SANGS should aim for a target level of provision of around 8 hectares of open space provision for every net new 1,000 residents accommodated through development

Policy EN5 (Wildlife Habitats and Features) of the adopted EDLP (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive

opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

The site is located within 10km of the East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA. The proposal seeks to repair and rebuild the existing barns including new roofs and the creation of a single dwelling.

An Ecological Appraisal by Devon Wildlife Consultants was submitted alongside the application including one bat emergence survey and one dawn re-entry survey. The surveys determined the buildings are used by nesting birds, common pipistrelle, serotine, and long-eared bats as a day roost.

Given the scale of the development a number of mitigation and enhancement measures are proposed including bat roof voids, roost tubes and boxes and five bird nest boxes. The proposal would include new soft landscaping and tree planting. These mitigation measures would be secured via a condition.

Due to the presence of Bats, the proposed works would require a European Protected Species Licence from Natural England. In these circumstances the Local Planning Authority (LPA) has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species (EPS) may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations. The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application.

The three tests are:

- i. the activity must be for imperative reasons of overriding public interest or for public health and safety;
- ii. there must be no satisfactory alternative
- iii. favourable conservation status of the species must be maintained

In this case it is considered that there are public benefits to repairing and rebuilding the barns which would enhance the setting of the Grade II* Listed Building. The barns are currently in a poor state of repair and works to restore them would safeguard them for the future.

In considering whether there is a satisfactory alternative, it is considered that due to the poor and deteriorating condition of the barns, works are required to the barns to repair and restore them. The South Barn has collapsed so can only be rebuilt.

To mitigate for the loss of habitats, the proposal would include the provision of two internal bat roof voids into the new dwelling with two bat access slate tiles and two raised ridge tiles each within the new roof of the dwelling, the installation of five bat roost tubes into the southern aspect of the new dwelling and the inclusion of three roosting boxes on mature trees within the grounds of the property. The proposal would also include some soft landscaping and tree planting to the south of the barns. The full suite of mitigation measures would be secured via a condition.

With appropriate conditions to secure details of the mitigation, it is considered that the ecological status of the protected species can be maintained in a favourable condition. Having regard to the above assessment, the LPA considers that the three tests would be met and that Natural England are likely to grant an EPS licence.

The District Ecologist reviewed the application, commented on the mitigation measures and recommended conditions in the event of any approval.

The proposed development and mitigation and enhancement measures recommended is considered to be acceptable on balance and the impacts on habitats and protected species can be appropriately managed and mitigated. The application is therefore considered to comply with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan subject to conditions.

BIODIVERSITY NET GAIN

The application was submitted on 1 February 2024 meaning that the requirements of the Environment Act 2021 are not required for this application.

HABITAT MITIGATION

The site is located within 10km of the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. During the operational phase, the development is likely to increase recreational pressures on this European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. The mitigation contribution has been secured through a S111 form, currently at £198.81 per dwelling.

Natural England were consulted on the AA and have advised that on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy, they would concur with this authority's conclusion in the AA that the proposed development will not have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

CONCLUSION

The proposed development seeks to remove an existing lean-to, repair and restore the Linhay and Cob Range and rebuild and convert the South Barn into a three-bedroom dwelling. The principle of the physical works to the barns are supported and would enhance the barns themselves as non-designated heritage assets and the setting of the Grade II* Listed Farmhouse. The proposed works would be supported by the National Planning Policy Framework (2023) and East Devon Local Plan Policies EN8 and EN9. The works also have support from EDDC Conservation and no objection from Historic England.

The creation of a dwelling in this location is not fully supported by Policy D8 of the East Devon Local Plan as the South Barn is not capable of conversion and the site is not located close to a range of day-to-day services. The site is located within the countryside outside of an identified built-up area boundary and as the proposal fails to fully comply with Policy D8 there are no development plan or neighbourhood plan policies that explicitly permits the change of use to a new dwelling here. This also means that the proposal would be contrary to Strategy 7 which restricts new development in the countryside.

Furthermore, the proposed dwelling would be in a location that at present does not benefit from a range of services and facilities that would render the site a sustainable location. The substandard pedestrian and cycle linkages and lack of public transport between the site and these services and facilities would mean that future occupants of the proposed development would be dependent upon the private car for most journeys to and from the site. The proposal would therefore fail to comply with Strategy 5B and Policy TC2 of the East Devon Local Plan (2016).

The proposed works to restore the barns and enhance the setting of the Grade II* Listed Farmhouse is given considerable weight in the planning balance however it is not clear whether these works could be independent of the new dwelling. Whilst the conversion of the South Barn into a new dwelling may be the most viable use, the physical works to the barns and creation of a new dwelling in the countryside are separate planning issues and the benefits and harm of both must be given consideration.

The Local Plan and NPPF have a presumption in favour of sustainable development and new dwellings in the countryside which do not benefit from a range of services and facilities and lack of public and active transport links are not supported in principle. Whilst it is acknowledged that Policy D8 could support the reuse of buildings in the countryside, the South Barn is not capable of conversion and the site is not located close to a range of day-to-day services. Policy D8 is very clear that the building must be capable of conversion to comply with the criteria of the policy. This means that the creation of a new dwelling is not supported by the NPPF or Local Plan.

Any recommendation therefore requires the consideration of the heritage benefits of the scheme against the creation of a new dwelling in the countryside and reliant on private car travel, it is recognised that the issues are finely balanced however it is the view of officers that the proposed heritage benefits would not outweigh the harm and would not justify a departure from adopted policies.

The proposal is therefore recommended for refusal.

RECOMMENDATION

a) ADOPT the Appropriate Assessment.

b) REFUSE the application for the following reasons:

1. The site is located within the countryside outside of an identified Built-Up Area Boundary and there are no development plan or neighbourhood plan policies that explicitly permits the change of use to a new residential dwelling here. The proposal would not be fully supported by Policy D8 of the East Devon Local Plan (2016) as the South Barn is not capable of conversion and the site is not located close to a range of day-to-day services which also means that the proposal would also be contrary to Strategy 7 of the East Devon Local Plan (2016). The development would not align with the spatial approach to the distribution of housing, would result in the unregulated development in the countryside and would not accord with the objectives of sustainable development and the material considerations do not justify a departure from adopted policies.
2. The site is in a location that at present does not benefit from a range of services and facilities that would render the site a sustainable location. The substandard pedestrian and cycle linkages and lack of public transport between the site and day to day services and facilities would mean that future occupants of the proposed development would be dependent upon the private car for most journeys to and from the site. The proposal would therefore fail to comply with Strategy 5B and Policy TC2 of the East Devon Local Plan (2016).

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require** the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemptions 4.1 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;

- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

823.20.a.	Proposed Site Plan	11.06.24
823.11	Proposed Floor Plans	01.02.24
823.12	Proposed Floor Plans	01.02.24
823.13	Proposed roof plans	01.02.24
823.14	Proposed Elevation	01.02.24
823.15	Proposed Elevation	01.02.24
823.16	Sections	01.02.24
823.21	Location Plan	01.02.24

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.

		Committee Date: 20.08.2024
Broadclyst (Clyst Hydon)	24/0227/LBC	Target Date: 05.04.2024
Applicant:	Mr & Mrs Stewart	
Location:	Town Tenement Farm Clyst Hydon	
Proposal:	Demolition of lean-to structure and the rebuild, repair and conservation of the existing barns.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members today as the proposal is in conjunction with application 24/0226/FUL which seeks full planning permission for the proposed development and conversion of the South Barn into a new dwelling.

The application site is located at Town Tenement Farm within the Clyst Hydon Parish of East Devon. The site comprises of a 16th century Grade II* Listed Farmhouse which sits within a farmyard complex and includes a number of historic and modern barns and is accessed via a private driveway from the main road through Clyst Hydon.

The proposed development seeks to remove an existing lean-to, repair and restore the Linhay and Cob Range and rebuild and convert the South Barn. The barns are in a state of disrepair and the South Barn has partially collapsed. The conversion of the South Barn to a residential dwelling and extensions to the South Barn require planning permission under the Town and Country Planning Act 1990 which falls outside of this Listed Building Consent.

Whilst concerns have been raised regarding the deteriorating condition of the barns, the principle of the physical works to the barns are supported and would ensure a sympathetic repair and restoration of the barns. The proposed works would result in a heritage gain, would enhance the barns themselves which are curtilage listed and non-designated heritage assets and enhance the setting of the Grade II* Listed Farmhouse.

The National Planning Policy Framework NPPF (2023) sets out that great weight should be given to an asset's conservation and the proposal would be in line with guidance and advice received from Historic England. The proposal is also supported by EDDC Conservation subject to conditions relating to phasing, further details and recording of historic fabric. The proposal would therefore comply with Strategy 47 and Policies EN8 and EN9 of the East Devon Local Plan (EDLP) which seeks to

conserve and enhance physical and cultural heritage of the district.

The proposal is therefore recommended approval subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council – 5 June 2024

Clyst Hydon Parish Council fully support this planning application as documented in council meeting minutes dated 6th March 2024

Broadclyst - Cllr Eleanor Rylance – 2 July 2024

I'd like to comment on this application, despite the comments window having passed for councillors. I have received a call from the applicant, who has talked me through their project for the barn. I know that over the years this barn has considerably deteriorated. I also understand that the only reason this application was submitted as an LBC application, not a PDQ, was that it is within sight of a listed building, namely the house to which it currently relates. I have been told however that this proposal would sever the connection between the two buildings. In fact, the building in its current state is within the curtilage of the listed building and must surely be adding nothing whatsoever to the assembly of buildings as it is now in extremely poor condition.

It seems unlikely that it will ever be renovated as a barn- it is of a very dated design and appears unsuitable for most modern farming purposes (unlike a modular modern type barn, which can be dismantled and reassembled elsewhere, or removed entirely). I suggest that the next best use for this particular is for is to be repurposed- this proposal would go some way to achieve that, although every passing month of bad weather leaves it ever more degraded and precarious. If the only solution on offer to this deterioration is to transform it into a house, then I agree with the conservation team and would support the application.

Technical Consultations

Conservation – 4 April 2024

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The submitted Heritage Statement provides a very detailed assessment of the barns the subject of this application. The barns are in poor condition and appear to have deteriorated considerably since the visits by Historic England & EDDC in 2014 & 2016 with notable changes even between June & September last year. It is worth noting that concerns for the deterioration of the barns requiring 'urgent and significant repair work' was raised in April 2016 by the Conservation Officer at that time. In addition, whether the works would result in the loss of further historic fabric and without substantial reconstruction.

A Structural survey has been submitted to accompany this application undertaken in August 2023 by Simon Bastone Associates Ltd. This is a detailed assessment including Mark-up

Drawings giving an outline scheme of the structural repairs and rebuilding of walls for the south barn and the north barn.

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

Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of a designated or non-designated heritage asset is in question.

The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. It is appreciated that not all original uses will now be viable or even necessarily appropriate. However, here maybe other use more appropriate than residential accommodation and consideration given to these first, even if eventually discounted.

The proposed works relate to the conversion of the southern end of the complex to create a two-storey separate dwelling and the repair of the lincob and cob range for storage. It is noted that the new dwelling is to be separated from the farmhouse, but that the lean-to, lincob and stable range will remain with the farmhouse.

It is understood that Historic England provided pre-application advice on this scheme last year and were broadly supportive of the works. In their comments, they have already requested the following 'a detailed specification needs to be provided for the repairs as well as structural works. Furthermore, in order secure these benefits consideration, the council may want to give further consideration to the phasing and occupation of the site to ensure that the repairs are secured as part of the wider conversion'.

There is no objection in principle to the proposed works and detailed comments from the Conservation Team are set out below:

Record Photographs: taken in April 2023. Considerable deterioration has now occurred, with further collapse, particularly at the southern end. It is noted that the photographs will form the basis of any re-build construction;

Site Plan: this clearly shows the existing buildings to be retained and their context, the proposed new dwelling, including the addition of the engine shed and boot room to the south, the demolitions and the repair of the lincob and cob range and lean-to at the northern end. It is also noted that a garden area for the dwelling is to be created to the south of the barn and this should be conditioned to ensure that any surfacing/boundary treatment is appropriate to the rural and heritage setting;

Ground floor: the lean-to, lincob and cob range are to be retained and repaired as tack room, open storage, and stable. This is welcomed, but full details of the repairs will be required as suggested by Historic England, see above. The part brick/part cob barn to the south is in extremely poor condition with the loss of much of the walls and the roof. It is to

be 'converted/reconstructed' to form a separate 3no. bedroom dwelling with the addition of an engine shed and boot room lean-to based on historical evidence (mapping & photographic) to a similar footprint. This element is not entirely convincing in terms of its complete reconstruction and overall 'glazed' appearance, but given the loss of historic fabric and the intention to retain what remains is accepted;

First Floor: as ground floor with slate roof to engine shed, lead to flat roof of boot room and slate to the lean-to. The latter subject to repairs and structural assessment;

Roof plan: it is noted that all roof trusses and purlins are to be retained and repaired as required, subject to structural assessment. Roofs to be mainly natural slate and conservation rooflights to face south away from the Grade II* listed building;

West elevation: this utilises existing openings within the lean-to and lincob range and an original first floor opening in the brick barn. A further new ground floor opening is to be installed in the brick barn to provide light and ventilation to Bedroom 3;

East elevation: this again utilises existing openings within the lean-to and lincob range. The brick barn is largely to be re-built with the new engine room. A new flue is to be located in the engine house roof.

North elevation: agricultural appearance to courtyard retained and repaired utilising the existing opening into brick barn as new entrance door to dwelling;

South elevations: the main changes to the barn are on the south side away from the farmhouse. The structure will need to be re-built using photographic evidence and salvaged materials wherever possible.

Sections: no specific comments.

Structural survey: see above, but a more detailed Schedule of repairs including specifications, engineers drawings will be required by condition to fully clarify the works;

Conclusion: the overall scheme appears to be inline with guidance and advice received from Historic England and will ensure the proper care and repair of the lincob range, subject to submitted details of the works. There is some concern relating to the poor and deteriorating condition of the barns, noted previously 8-10 years ago. Part of the building is certainly not capable of repair and now requires taking down and re-building. However, this should be mindful of para 202 of the NPPF23. Whilst this is not necessarily deliberate (see D & A), little appears to have been done to protect the buildings, although it is noted in the Heritage Statement para 4.19 and seen on site that some temporary works have been installed to prevent further collapse. In view of the current situation and the condition of the buildings, it is felt that more needs to be done immediately to protect the historic fabric and to store and protect any salvageable materials for re-use in the project.

There is certainly heritage gain in terms of the listed building and its setting (in line with para 212 NPPF23). It is appreciated that the barns would be repaired and renovated and that the present farmhouse is currently in use. However, there is an expectation that the part to provide a new dwelling should not overtake the need to repair and renovate the cob

range which holds considerable value in their own right as well as contributing to the significance of the house as part of the associated complex.

This needs further discussion to ascertain the effectiveness of the phasing of works and conditions. There are certainly heritage benefits in the repair and use of the barns and securing their future. However, there is considerable concern relating to how this is managed effectively, and further discussion and consideration needs to be given to how this can be achieved.

PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle, subject to conditions.

Historic England – 2 April 2024

Town Tenement Farmhouse is a multi-phased Devon farmhouse, which originated as a three-room cross passage with an open hall, before a chimney was introduced and the hall was floored over by the 17th century. Built from cob, the building retains a number of important surviving features including a plank and muntin screen which helps to articulate the evolution of a moderate status vernacular property.

Due to its more than special architectural and historic interest, the house has been listed at grade II* and forms the top 8% of all listed buildings in England.

The application relates to the range of ancillary cob outbuildings. These form an L shape plan to the west of the courtyard and are a component piece in respect of the setting of the main house. The barn has evolved over various phases but of greatest value is the cob range which includes the linhay and is evident on the tithe map (circa 1841).

The linhay and barn were robustly built and of a solid traditional construction. Linhays began to appear from the 17th century onwards. Due to the shared materiality with the main house and its overall quality of construction, the range is likely to be of some age. Therefore, the cob range holds considerable value in their own right as well as contributing to the significance of the house as part of the associated complex.

The proposed works relate to the conversion of the southern end of the complex and the repair of the linhay and cob range.

Historic England provided pre-application advice in respect of the proposals. The information presented in terms of the conversion is in line with that earlier advice and we have no further comment to make.

In respect of the restoration of the Linhay and Cob Barn, these works offer an exciting opportunity to secure the repair of these important structures. We consider that a detailed specification needs to be provided for the repairs as well as structural works. Furthermore, in order secure these benefits consideration, the council may want to give further consideration to the phasing and occupation of the site to ensure that the repairs are secured as part of the wider conversion.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 49 (The Historic Environment)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site is located at Town Tenement Farm within the Clyst Hydon Parish of East Devon. The site comprises of a 16th century farmhouse which sits within a farmyard complex and includes a number of historic barns including an 'L' shaped barn to the south of the house. The site also includes a number of extensions to existing buildings and barns and more modern barns and is accessed via a long private driveway from the main road through the village of Clyst Hydon.

The main farmhouse is Grade II* Listed and is not located within a Conservation Area. There are no TPO protected trees on or around the site.

The surrounding area is rural and includes the village of Clyst Hydon including a primary school as well as a number of farms and employment uses.

LISTING

CLYST HYDON ST 00 SW 2/32 Town Tenement Farmhouse - GV II*

Farmhouse. Early C16 with major later C16 and C17 improvements, some C19 modernisation. Plastered cob on stone rubble footings, much brick patching in the rear wall; stone rubble and cob stacks topped with c19 and C20 bitumen-brick; coated slate roof, formerly thatch. Plan and development: 3-room-and-through-passage plan house facing south-south- west, say south, and built on level ground. The left (west) end room is a small inner room parlour with a gable-end stack. Next to it is the former hall which has an axial stack backing onto the passage. The passage has been widened to accommodate the C19 stair at the expense of the lower end room which is now the kitchen and has a gable-end stack. In fact the present room functions are the result of the C19 modernisations. The original early C16 house was an open hall house. Only the inner room was floored over at

the time and then the chamber jettied into the upper end of the hall. The inner room itself was slightly smaller and unheated; probably a dairy or buttery. The rest of the house was open to the roof, divided by low partitions and heated by an open hearth fire. The lower end appears to have been lengthened at an early stage since there are 2 phases of the smoke-blackened roof. Around the mid or late C16 an oak-framed fire hood or smoke bay was built over the hall fireplace backing onto the passage. The service end was probably floored over about the same time but there is no evidence of this since that end was much altered in the late c17 when the service end room was converted to a parlour with a new gable-end stack. The hall itself was floored over in the early - mid C17. At the same time that the parlour was built the smoke hood/smoke bay was replaced by a stone rubble stack and a new kitchen fireplace was built below. In the c19 a stair was inserted alongside the passage taking out part of the C17 parlour. It was probably at this time that the parlour was converted to kitchen use and the former hall/late C17 kitchen became the dining room. Also the inner room was given a stack and converted to a parlour. It was apparently enlarged by moving the upper hall partition to sit below the jetty bressumer. The farmhouse is 2 storeys with C19 lean-to outshots across the rear. Exterior: irregular 5-window front of C19 and C20 casements, most without glazing bars. The passage front doorway is right of centre and it contains a late C19 - early C20 part-glazed 4-panel door. The roof is gable-ended. Interior: is well preserved and includes features from all the main building phases. The passage was lined both sides with oak plank-and-muntin screens. The screen on the lower side is of uncertain date since most of the planks and muntins were removed in the C19 when the present staircase was inserted. The upper side screen is much better preserved and it is an original low partition screen. The hall stack was built behind it. The lower end room, the C17 parlour/present kitchen, has late C17 crossbeam and half beams; they are chamfered with bar roll stops. The fireplace here is blocked although its chamfered and scroll-stopped oak lintel shows. The cupboards alcove to right was built for a newel stair. In the hall the early - mid C17 crossbeam has deep chamfers and pyramid stops. In the back wall the beam is propped by a chamfered and scroll-stopped post. It is C17 but maybe secondary. An alcove in the back wall may represent the position of a former stair turret. The fireplace is late C17; it has local brick jambs and a chamfered and scroll-stopped oak lintel. It includes an oven. The back wall of the fireplace is stone rubble. It maybe earlier since the oak screen behind would have needed protection during the smoke hood/smoke bay phase. Part of the mid - late C16 oak-framed smoke hood/smoke bay survives at first floor level over the back wall of fireplace. The studs have individual holes drilled in their sides to take individual lathes and provide a ladder backing for the cob infill. It is heavily sooted on the hall side. Unfortunately too little remains of the structure to enable a reconstruction of its original form. At the upper end of the hall is another original oak plank-and-muntin screen. The posts are chamfered with cut diagonal stops (the pointed arch is a C20 insertion). It appears that this screen was moved forward a short distance in the C19. There is no carpentry detail showing in the inner room. It probably had its ceiling raised in the C19. The roof was built in 2 phases. The original roof remains over the passage, hall and inner room. It is carried on side-pegged jointed crucks in which the cruck feet apparently descend right to the ground. There is an original closed truss between the hall and inner room chambers. The roof structure is clean on the inner room side. The rest is smoke-blackened from the original open hearth fire. The 2-bay section of the roof over the lower end has timbers of lighter scantling and there are minor constructional differences here. Nevertheless the whole structure is smoke-blackened. It must have been built before the smoke bay. Town Tenement is a good example of a multi-phase Devon farmhouse with late medieval origins.

Listing NGR: ST0336401485

PLANNING HISTORY

The site has the following planning history:

- o 87/P1891 | Roadside Sign | APPROVED (05.01.1988)
- o 89/P1522 | Stock Building | APPROVED (11.08.1989)
- o 92/P1468 | Timber Frame Agricultural Building | APPROVD (19.10.1992)
- o 01/H0029 | Remove Existing Render & Replace | CLOSED (01.01.2005)
- o 03/P1165 | Replace 'Tunnerised' Slate Roof With New Slate.remove Chimney And Fit Skylight | APPROVED (20.10.2003)
- o 14/2103/FUL | Construction of single storey extension to north elevation | APPROVED (24.12.2014)
- o 14/2104/LBC | Replacement windows and doors; internal alterations, construction of single storey extension to north elevation | APPROVED (24.12.2014)
- o 18/1216/LBC | Extension of rear (north) elevation; replace 1 no. skylight and install 1 no. new skylight on existing rear (north) elevation; rebuild staircase; various internal works to include removal of partition walls and construction of partition walls and to include new door openings; create 3 no. new window openings in plant room side (east) elevation; create 1 no. new window opening in rear elevation; replace and re-configure 3 no. windows on rear elevation and replace 8 no. windows on front (south) elevation; insert 2 no. double garage doors on front elevation; re-render all elevations | APPROVED (11.09.2018)
- o 20/1207/FUL | Construction of an all-weather equestrian exercise arena for private use | APPROVED (11.09.2020)

APPLICATION

The application seeks listed building consent for the demolition of lean-to structure and the rebuild, repair and conservation of the existing barns. The proposed works relate to the L shaped barn to the south of the farmhouse and no works are proposed to the farmhouse. Please see the application form and submitted plans for further information.

The application is in conjunction with 24/0226/FUL which seeks planning permission for the change of use and extensions to the South Barn.

NEIGHBOUR CONSULTATION

No responses from neighbouring properties were received.

ASSESSMENT

A) DESIGN AND IMPACT ON THE FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE GRADE II* LISTED BUILDING.

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (December 2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming

and distinctive places to live, work and development that is not well designed should be refused.

Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority is required under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is therefore considered that the proposed work will preserve the character and historic fabric of the listed building and duly recommended for consent subject to conditions.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight."

Strategy 49 (The Historic Environment) of the adopted EDLP (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy EN8 (Significance of Heritage Assets and their Setting) of the adopted EDLP (2016) states that when considering development proposals the significance of any heritage assets and their settings, should first be established by the applicant through a proportionate but systematic assessment following East Devon District Council guidance notes for 'Assessment of Significance' (and the English Heritage guidance "The Setting Of Heritage Assets"), or any replacement guidance, sufficient to understand the potential impact of the proposal on the significance of the asset. This policy applies to both designated and non-designated heritage assets, including any identified on the East Devon local list.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted EDLP (2016) states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Where total or partial loss of a heritage asset is to be permitted the Council may require that:

- e) A scheme for the phased demolition and redevelopment of the site providing for its management and treatment in the interim is submitted to and approved by the Council. A copy of a signed contract for the construction work must be deposited with the local planning authority before demolition commences.
- f) Where practicable the heritage asset is dismantled and rebuilt or removed to a site previously approved.
- g) Important features of the heritage asset are salvaged and re-used.
- h) There is an opportunity for the appearance, plan and particular features of the heritage asset to be measured and recorded.
- i) Provision is made for archaeological investigation by qualified persons and excavation of the site where appropriate.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations.

The application site comprises of a Grade II* Listed Farmhouse as well as the farmyard complex which includes a L shaped barn (Linhay and Cob Range) and a number of outbuildings. The works proposed related to the L shaped barn and there are no works proposed for the farmhouse or other outbuildings. The L shaped barn is home to the South Barn, Linhay, Stable, Open Store and Tack Room.

The L shaped barn sits to the south of the farmhouse with an open courtyard separating the two and the main farm access leads from the main road into this courtyard. The Linhay and Cob Range are evident on the tithe map (circa 1841) and are considered to be of the greatest value of range of outbuildings associated with Town Tenement Farmhouse. These barns are of a locally distinctive character in their form, function, construction methods and use of materials and are a component piece in respect of the setting of the main house. Whilst the L shaped barn is not listed itself, given its age, former uses, location and relationship with the main farmhouse, they are considered to be curtilage listed in line with Historic England Advice Note 10 (Section 2.2). It is acknowledged that the Heritage Statement concludes that the barns would not be curtilage listed however given that a Listed Building Consent has been applied for, the LPA is of the view that they are curtilage listed. In any case, given the age of the barns and relationship with the main farmhouse they would also be considered as non-designated heritage assets.

The barns which are the subject of this application are in a poor condition especially the South Barn which is in an extremely poor state of repair and large sections have collapsed including the roof. The barns have been subject to a number of alterations which have negatively impacted them such as the loss of the engine house, loss of internal features, modern lean-to as well as the general poor condition. The lean-to which is north of the barns has also partially collapsed.

The proposed development seeks to demolish an existing modern lean-to structure to the east of the Linhay and to repair and restore the Linhay and Cob Range. A lean-to structure to the north of the range would also be repaired and restored. The proposal under application 24/0226/FUL also seeks to re-build and convert the South Barn into a two storey, 3-bedroom residential dwelling. The proposal would also include two extensions to the South Barn - the engine shed and boot room as well as the creation of a private amenity garden.

Listed Building Consent is required to demolish or to alter a listed building in a way that affects its character as a building of architectural or historic interest. Whilst application 24/0226/FUL seeks to convert the South Barn into a residential dwelling, is it not possible to change the use of a building or land under a Listed Building Consent application. The principle of a residential dwelling, rebuilding of the South Barn as well as the proposed boot room and engine shed extensions would require planning permission separately to this consent if approved. Therefore, this application only assesses the physical internal and external works to the barns in relation to the impact on the Listed Building.

The removal of the modern lean-to structure is considered to be positive as well as the repair and restoration of the Linhay and Cob Range which would remain with the farmhouse. The works would include the replacement of rotten posts, new natural slate roof, new lime rendered walls, new timber windows and doors, replacement cladding and new timber boarding to replace the existing opening in the stable. The proposals would keep these barns in a more active use which is important for their up-keep. The proposal would also involve repairing and restoring an existing lean-to to the north of the L shaped barn (also known as The Extension) including new rendered block work, new slate roof and new windows and doors. The proposed works are considered to preserve and enhance the range of historic barns, and which would better reveal their significance and will enhance the setting of the Grade II* Listed farmhouse.

The South Barn as noted above, has collapsed and is in need of works to restore it. The proposal would include the re-building of the barn as well as the addition of an engine shed and boot room lean-to. The re-building of the barn would be very similar to the original barn in terms of its form and surviving sections of cob would be reinstated. The roof would be reconstructed with natural slate tiles with a number of conservation roof lights on the southern elevation. The proposed boot room would be approximately 2m in width, 2m in depth and 2.34m in height and would be finished in aluminium glazed panels, timber boarding and timber door with a lead flat roof. The proposed engine shed would be approximately 5.4m in width, 5m in depth and 5.1m in total height and would be finished in render with a natural slate roof. The proposed engine shed would be in part a replacement of the engine wheelhouse which previously existed on the farm and is evident of the tithe map (circa 1841). The engine wheelhouse would be finished glazing which is not traditional for these buildings and concerns were raised by EDDC Conservation regarding the complete reconstruction and overall 'glazed' appearance however given the loss of historic

fabric and the intention to retain what remains, the proposal would be acceptable. This glazed appearance is not considered to result in any material harm to the asset and in any case, would be outweighed by the conservation of the barns. As noted above, these extensions would also require planning permission.

The application was reviewed by Historic England who stated that they provided pre-application advice in respect of the proposals and the information presented in terms of the conversion is in line with that earlier advice. In respect of the restoration of the Linhay and Cob Barn, these works offer an exciting opportunity to secure the repair of these important structures.

The application was also reviewed by EDDC Conservation who stated that the barns are in poor condition and appear to have deteriorated considerably since the visits by Historic England and EDDC in 2014 and 2016 with notable changes even between June and September last year. The proposed works appears to be in line with guidance and advice received from Historic England and will ensure the proper care and repair of the Linhay and Cob range, subject to further details and the phasing of the works. EDDC Conservation concluded that there is certainly heritage gain in terms of the listed building and its setting from the proposed works and supported the application subject to conditions.

In summary, the proposed works as set out under this Listed Building Consent are considered to be appropriate and would help to restore the existing barns. The proposed works would help to enhance the setting of the Grade II* Listed Farmhouse which is given considerable weight. The proposal is considered to comply with Section 16 of the NPPF and Strategy 49 and Policies EN8 and EN9 of the EDLP.

CONCLUSION

The proposed development is considered to be acceptable, would improve the setting of the Grade II* Farmhouse and secure the restoration of the barns, considered to be curtilage listed and non-designated heritage assets. The NPPF sets out that great weight should be given to an asset's conservation and the proposal would be in line with guidance and advice received from Historic England. The proposal would comply with Strategy 49 and Policies EN8 and EN9 of the EDLP as well as the NPPF.

The proposal is therefore recommended approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

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

3. Safety and Stability Works

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

- a) to strengthen any wall or vertical surface;
- b) to support any wall, roof or horizontal surface;
- c) to provide protection for the building against the weather during the progress of the works, and
- d) in the case of cob buildings, the details of cob repairs.

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

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

4. Materials

All external works of alterations in the existing fabric of the building shall be carried out in matching materials, as appropriate. A trial area or a sample panel of a minimum 1 sqm. shall be constructed on site for inspection and approval by the Local Planning Authority prior to commencement of any works. The works shall be carried out and in full in accordance with the approved sample and specification.

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

5. Repointing and Rendering

All stonework/brickwork repointing and rendering shall be carried out using a lime-based mix, the specification of which shall be submitted to approved in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of any works.

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

6. Further Details

Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Roofing materials including product details, sample and method of fixing.
- Size, type and manufacturers model of all roof lights, including method of flashing.
- New rainwater goods including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.

The works shall be carried out in accordance with the approved details and specification.

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

7. Specification of Works

Any salvaged materials, including bricks, slates, and tiles from the barns (specified with location or in schedule) shall be removed and stored under cover (or in a location approved in writing by the Local Planning Authority) for re-use in the building as part of the works permitted in this consent or in a location to be agreed by the Local Planning Authority. In addition, the preparation of a detailed specification of works for the repairs to the barns shall be submitted to the Local Planning Authority for approval prior to the commencement of development.

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

8. New Roof Structures

Prior to the commencement of works, details of the new roof structures to supplement the existing roof structures and details to construct the new roof of the barns, including any Structural Engineers Drawings shall be submitted to and approved in writing by the Local Planning Authority along with a record of the original timbers, including a schedule of repairs. So far as is reasonably possible the historic timbers e.g. 'A' frame trusses and purlins are to be retained in situ as non- load bearing structures.

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

9. Written Scheme of Investigation

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council Historic Environment.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - This is pre-commencement to ensure, in accordance with Policies EN6 - Nationally and Locally Important Archaeological Sites and EN9 - Development Affecting a Designated Heritage Asset of the East Devon Local Plan 2013 - 2031 and paragraph 205 of the National Planning Policy Framework (2021) that an appropriate record is made of the historic building fabric that may be affected by the development.)

NOTE FOR APPLICANT

Informative:

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

Application for Planning Permission Needed:

This permission does not act as Planning Permission and you are accordingly advised of the need to submit a separate Planning Application under the Town and Country Planning Act 1990 in respect of the works shown on the drawings hereby approved.

Plans relating to this application:

823.20.a	Proposed Site Plan	11.06.24
823.11	Proposed Floor Plans	01.02.24
823.12	Proposed Floor Plans	01.02.24
823.13	Proposed roof plans	01.02.24
823.14	Proposed Elevation	01.02.24
823.15	Proposed Elevation	01.02.24
823.16	Sections	01.02.24

823.21	Location Plan	01.02.24
R230710/S1/00	Structural Survey	01.02.24

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.