

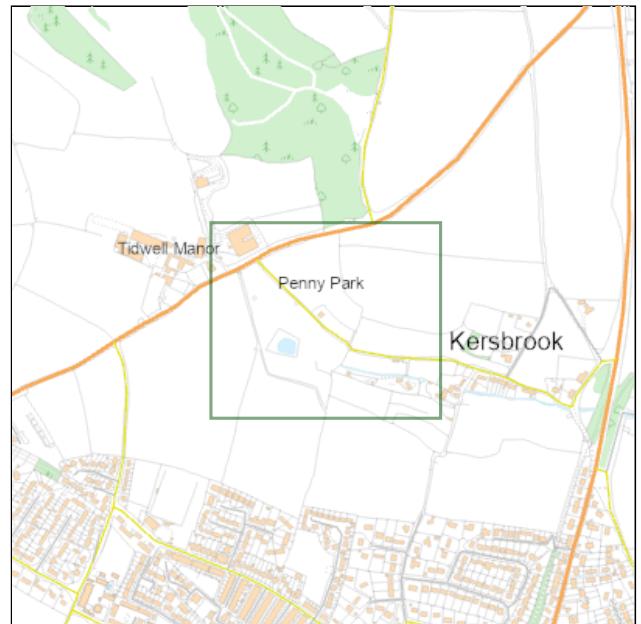
Ward Budleigh And Raleigh

Reference 24/1491/FUL

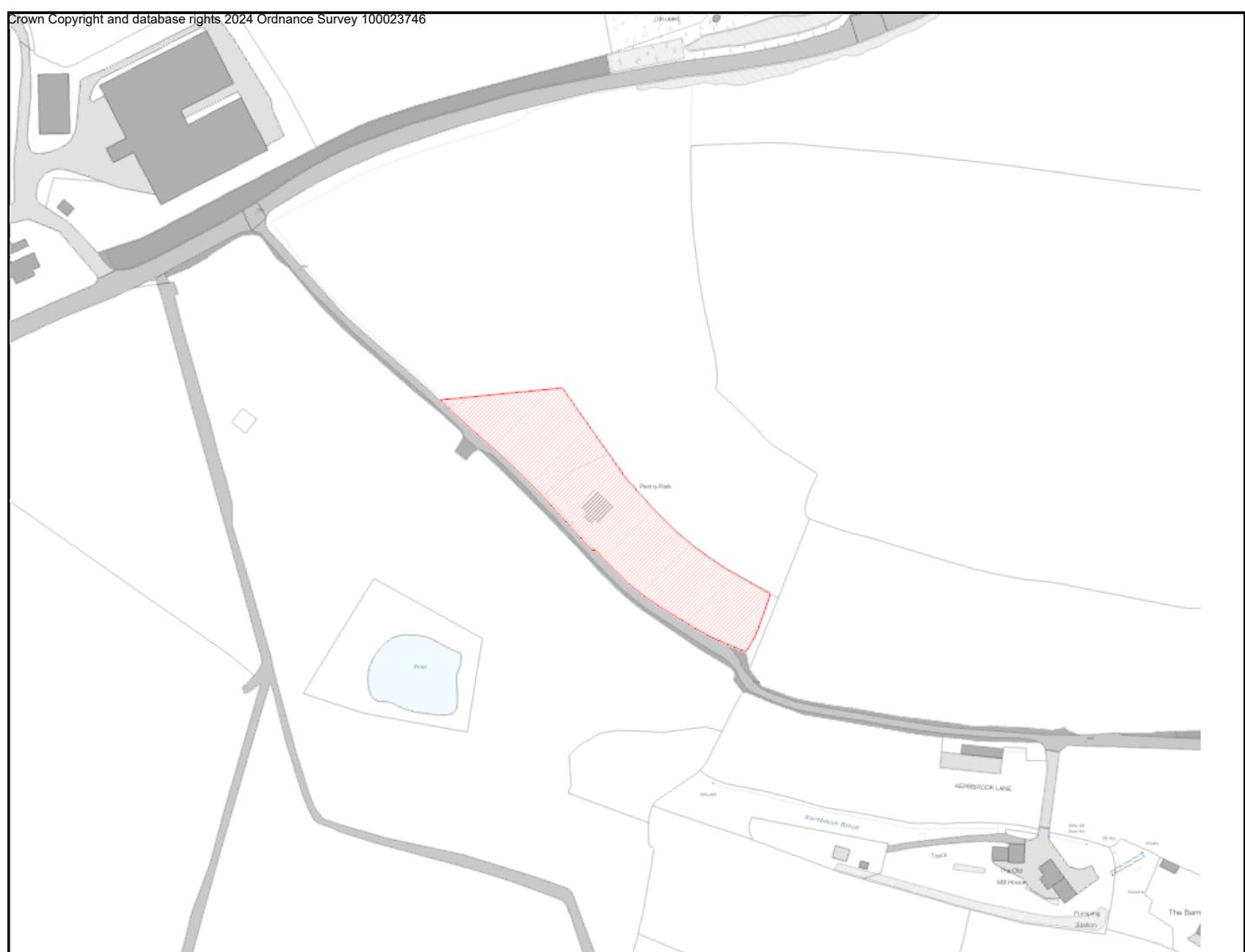
Applicant Mr & Mrs Wastenage

Location Site Of Penny Park Kersbrook Lane Kersbrook

Proposal Demolition of existing dwelling and replace with 1no new dwelling, extension of domestic amenity space, creation of a new driveway off an existing access to the highway, and associated landscaping and parking



RECOMMENDATION: Refusal



		Committee Date: 19.11.2024
Budleigh And Raleigh (East Budleigh)	24/1491/FUL	Target Date: 01.10.2024
Applicant:	Mr & Mrs Wastenage	
Location:	Site Of Penny Park Kersbrook Lane	
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RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor.

The application site is 'Penny Park' a five bedroom dwelling which sits 400 metres to the north of Budleigh Salterton, within the East Devon National Landscape. The application is a revised submission of application 23/2406/FUL which was withdrawn following an objection from Historic England that the proposal would challenge the hierarchical primacy of Tidwell Manor, a grade II* listed house which sits 320 metres west of the site.

The proposal looks to demolish the existing 180 square metre five bedroom dwelling and replace it with a four bedroom two storey dwelling with two single storey wings either side of the main house, and a larger detached garage, with a total area of 415 square metres.

The application is supported by the Ward Councillor who states that while the proposed footprint of the scheme is larger than the existing house, the proposal would support the succession of an existing farming business therefore the economic rationale for the proposed dwelling is consistent with national and local planning policies. The Parish Council are also in support of the proposal but have expressed reservations about the extent of the built footprint of the proposed scheme.

Policy H6 of the local plan states that proposals for the replacement of an existing dwelling within the countryside will be permitted where the replacement

dwelling is located on or adjacent to the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved. The proposal would increase the built form from a 10 metre wide dwelling on the site to a 40 metre wide built form upon the site.

The applicant has cited several benefits that would arise as a result of the development. The proposal would give a limited increase in the housing supply, and would help facilitate succession of a farming business which currently employs 30 people. However, none of the stated benefits that would arise as a result of the proposal are explicitly linked to the increase in the footprint of the building, and would still arise as a result of a more modest proposal that more closely reflects the existing built footprint.

The NPPF and Strategy 46 of the local plan give great weight to conserving and enhancing the natural beauty within the National Landscape. NPPF Para.182 states that the scale and extent of development within these designated areas should be limited. The proposed dwelling, which sits 5 metres above the adjacent lane in front of a flat plateau of land would appear as a very prominent feature in the landscape.

Historic England are satisfied that the reduction in the size of the dwelling since the previously withdrawn application would mean the proposal would no longer challenge the hierarchical primacy of Tidwell Manor.

The proposal seeks to insert a prominent structure into a rural landscape which would erode the scenic beauty and landscape quality of the National Landscape. Given the great weight that is to be given to the conserving and enhancing the National Landscape it is not considered that the proposal would outweigh the harm to the National Landscape.

Given the above, the proposal is contrary to the relevant Local Plan and East Budleigh and Bicton Neighbourhood Plan policies and Government Advice contained within the NPPF and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Budleigh And Raleigh - Cllr Henry Riddell

Penny Park, which has been derelict since 1990, significantly detracts from the area and particularly affects Tidwell House. The property is in disrepair and has become a site of repeated anti-social behaviour, contributing to a negative impression from the B3178. There is a strong community desire for this site to be restored, the Parish Council have supported this application along with other residents who have also written in support of this application.

This application seeks permission to demolish the existing dwelling, which is beyond economic repair, and replace it with a new house. The new house will occupy the

same location as the original, but with a slightly larger footprint to accommodate the needs of the family and their farming business. The proposed design is in keeping with local character and uses the same materials that reflect the historical nature of the area.

In addition to this, the replacement dwelling will include functional spaces such as a farm office and storage rooms ensuring that will support needs of the family's farming business. This economic and social rationale for the proposed dwelling is consistent with national and local planning policies.

The new design, which has been gone through an extensive pre-application process since October 2021, has a 40% reduction in footprint and maintains the ridge height of the existing building, ensuring it will sit below the skyline of rolling hills and trees. The proposal also includes substantial screening with existing trees and vegetation, which helps mitigate visual impact.

Historic England had expressed concerns at various stages during the pre-application process but has shown considerable support in their latest consultation, indicating that their concerns can be addressed through planning conditions and mitigation measures. For context, when you drive along the B1378 the current setting of both Tidwell House and Penny Park is dominated by urban development.

Given these considerations, I am satisfied that the proposed development is well thought out and sensitive to the surrounding area. As the Ward Member for Budleigh & Raleigh, I recommend approval of this application. Should my opinion differ from Planning Officers and if the application proceeds to the Planning Committee, I encourage a site visit to fully appreciate the context and benefits of the proposal.

Cllr H L Riddell
East Devon District Councillor
Budleigh & Raleigh Ward

Parish/Town Council

East Budleigh with Bicton Parish council has the following comments:
Despite being outside the BUAB and within the National Landscape, the replacement of the dilapidated building at Penny Park is generally supported by the Parish Council and the proposed materials for the new dwelling are deemed suitable. The proposed development represents a welcome improvement on the previous application (23/2406/FUL) as overall massing has been reduced with the reduction in height of both wings and the wagon shed. The design is also now more aesthetically pleasing than in the previous application.

Although the footprint has been reduced slightly from 342 m² to 304 m², this still represents 3.4 times the footprint of the existing property at 90 m². This is exacerbated as the development spreads laterally for around 40 metres facing the road. This brings Local Plan Policy H6 into consideration. Landscaping and screening are proposed to mitigate the impact of this development, particularly when viewed from the B3178 from Knowle. However, since such screening would also block the view into open countryside to the South West from the property, it is questionable whether such screening would be maintained

Technical Consultations

EDDC Ecologist

Insufficient information supplied. This has subsequently been addressed.

South West Water

Proposal acceptable

EDDC Trees

No objection subject to condition.

Conservation

No objection subject to condition.

Historic England

No objection subject to conditions.

EDDC Landscape Architect

Objection – harm to the National Landscape

Other Representations

11 third party representations have been received; 9 representations in support of the application and 2 representations of objection to the application.

A summary of grounds for support is as follows:

- The existing house is derelict, unsafe and an eyesore and it is time it was demolished.
- The traditional style red brick dwelling is in keeping with the neighbouring properties
- The house sits ell in the landscape and is well screened
- The provision of a bat loft, PV panels, and new planting of hedgerows and trees will enhance the local environment.
- The owners are local farmers and employers and this new dwelling will support their business.
- The proposed design is within the height of the original house
- Kersbrook Lane will still look and feel like a rural lane and the new drive will have little impact upon the character of the AONB.
- The proposed driveway would lead to the removal of a modest amount of improved grassland and the proposed agricultural style of the proposed driveway would be a very subtle addition.

A summary of grounds for objection is as follows:

- The proposal is for a much larger footprint than the current building and with the proposed garage and driveway, spreads much further into the National Landscape.
- The mock Georgian design would detract from nearby Grade II* Tidwell Manor.

- Coppicing / laying of the front hedges would severely reduce the screening effect of the vegetation for a significant number of years.
- The proposed driveway would lead to the change of use from agricultural land to an enlarged residential garden.

PLANNING HISTORY

Reference	Description	Decision	Date
21/0143/PREAPP	Demolition of dwelling and replacement with two storey house	-	23.02.2022
22/0998/CPL	Certificate of lawfulness for installation of new fenestrations.	CPL Refuse Part 1	22.06.2022
22/2646/CPE	Certificate of lawfulness for residential use of single dwellinghouse and garden area.	CPE Approved	14.03.2023
23/2406/FUL	Proposal to demolish existing dwelling and replace with 1no new dwelling, revised access and associated landscaping	Withdrawn	26.02.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution) EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

H6 (Replacement of Existing Dwellings in the Countryside)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

East Budleigh Neighbourhood Plan (Made)

Policy G2 (Off Road Parking)

Policy N1 (Protecting and Enhancing the Landscape, Biodiversity and Local Countryside Character)
Policy B1: (Heritage Assets and their Setting)
Policy B2 (General Design Principles)
Policy F2 (Surface Water Run-off)

Government Planning Documents
NPPF (National Planning Policy Framework 2023)

Site Location and Description

The application site is a two storey house on the northern edge of Kersbrook Lane, which sits just over 400 metres to the north of Budleigh Salterton's Built up Area Boundary.

The existing house 'Penny Park' is a two storey red brick building with a slate roof. The building has a footprint of approximately 10 metres wide by 8 metres deep and has a projecting two storey front porch with a gabled roof. The house is set approximately 5 metres above the country lane from which the house is accessed, and the land rises up relatively steeply behind the dwelling. In front of the existing house is a flat plateau of land meaning the site is in a relatively prominent position.

The house is accessed off a drive of Kersbrook Lane, an unclassified road running between two sections of the B3178.

The site is within the East Devon National Landscape and sits 300 metres south east of Grade II* listed Tidwell Manor.

Proposed Development

The application seeks approval for the demolition of the existing five bedroom dwelling and its replacement with a four bedroomed two storey dwelling.

The proposed dwelling has four bedrooms, and a floor area of 415 square metres. The proposed dwelling is articulated as a central two storey range with a slate hipped pitched roof, flanked by two further single storey wings which are set back from the main house. The two storey element has a footprint of approximately 13.5 metres wide by 11.6 metres deep, with wings set back from the principal elevation which extend 5.2 metres to the north west of the dwelling and 10 metres to the south west of the dwelling. A detached wagon shed for the storage of agricultural vehicles, measuring approximately 8 metres wide by 7 metres deep sits 2.3 metres from to the north west of the dwelling, in line with the recessed wings, and also has a hipped slate roof. The overall built footprint of the proposed development including the garage is 39.9 metres long.

The main house contains a large open plan kitchen, dining and living area to the ground floor with associated pantry and utility areas. The northern wing contains the main entrance to the house and a boot room, whilst the southern wing contains a

further living and dining area, a fourth bedroom and the farm office. The first floor contains three en-suite double bedrooms.

To the south east of the main dwelling, a shed / garden room is proposed by way of bat mitigation to compensate for the loss of the existing house which is used as a day roost by several types of bats.

The application also incorporates the change of use of approximately 1730 square metres of land to the north west of the existing site to residential use to allow for the creation of a 45 metre long access driveway to the house. In addition, the proposal also incorporates a ground mounted solar array on land to the north east of the proposed driveway.

Analysis

The main issues for consideration are the principle of development, the impact of the proposal upon the character of the area including the National Landscape, and of the impact upon the setting of the nearby heritage assets.

Principle of Development

In planning policy terms, the site is within the countryside by virtue of being outside of any Built Up Area Boundary and as such is subject to the provisions of Strategy 7, which states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy.

The provisions of Policy H6 (Replacement of Existing Dwellings in the Open Countryside) of the adopted East Devon Local Plan permits the construction of replacement dwellings within the countryside (i.e. outside of the Built-up Area Boundaries of settlements as defined in the Plan) subject to a number of criteria being satisfied.

The criteria of Policy H6 are as follows:

- There is an existing, permanent, habitable dwelling located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.*
- The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved.*
- The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape.*
- The dwelling to be replaced is not of architectural importance (whether Listed or not) or important in terms of contributing to landscape character or quality or local distinctiveness.*

Application 22/2646/CPE established the house had not been abandoned and is a permanent habitable dwelling on the site.

The NPPF at paragraph 88 states that 'Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings'. The applicants farm all of the land around Penny Park under a long term agricultural tenancy from their current base at Tidwell Barton, to the west of the application site. The applicants state that the proposed dwelling would play a crucial role in the succession plans for the future and allow for the continued farming operations at Tidwell Barton Farm.

As such the principle of the replacement of the existing dwelling is acceptable and in accordance with policy H6 of the local plan, subject to the proposal complying with the remaining criteria of Policy H6 in respect of the impact upon the National Landscape and the amenity and environmental qualities of the site.

Design impact on character of site

The existing house is an attractive two storey building with red brick elevations. The building has interesting brickwork detailing in the form of string courses, brick window cills and brick header segmental arches to the window and door openings to the front elevations. The front elevation retains a number of its timber sash windows, and the building has a slate roof with decorative contrasting red clay ridge tiles. The house is nestled into the contours of the site, and has strong vertical proportions, and contributes to the local distinctiveness. No floor plans or elevations have been submitted in respect of the existing house as the applicants stated that the house was not safe to survey.

The design of the proposed dwelling is a 'Georgian' style house in red brick with sash windows and a hipped slate roof, to reflect the materials of neighbouring properties. The house has a central two storey block with single storey wings to the north west and south east, set back from the principle elevation.

The proposed sections indicate that the ground floor of the proposed dwelling would be at the same height as the existing dwelling, at around 5 metres higher than the adjacent Kersbrook Lane. The proposed dwelling has also been designed to not exceed the ridge height of the existing house.

The second criterion of Policy H6 which must be met states that 'The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved'.

The existing five bedroom house has an internal area of 180 square metres. The proposed four bedroom dwelling has an internal area of 365 square metres, with the garage providing an additional 50 square metres for parking of agricultural vehicles.

The Design and Access statement confirms there is additional floor space created within the design to provide the functional space required to operate as a farming

business including a farm office, store room, boot room, storage, housing for working dogs and for the parking of agricultural vehicles.

The Nationally Described minimum space standard for a two storey 5 bedroom 8 person dwelling is 128 square metres therefore the existing dwelling is already spacious by current standards. The area of the proposed four bedroom dwelling at 365 square metres, is just under three times the area of the Nationally Described minimum space standard for a four bedroom 8 person dwelling. The relatively steeply sloping topography of the site has dictated that any extension to the footprint of the house must be out to the side rather than to the rear of the existing house.

With an overall built footprint of 39.9 metres in length, the proposal represents a significant extension to the existing 10 metre width of the house. The elevated position of the house, 5 metres above the lane, means that the proposal will be prominent and highly visible in views from the west.

Going back to the second criterion of Policy H6, the proposed built footprint would be approximately 4 times the length of the existing building, which would only be supported where a clear planning or environmental benefit will be achieved.

The applicant has listed a number of planning and environmental benefits that would arise as a result of the application. The proposal would help facilitate the succession of the existing farming business, which currently employs 30 full-time employees. It would also create jobs in a rural area during the construction phase. The landscaping plans would enhance and improve habitats in and around the site.

The applicant also states that the proposal would allow for the removal of a derelict property that has been boarded up for over 30 years. This can only be given limited weight as there would be nothing to prevent the existing house being refurbished and this would not require planning approval.

However, none of these benefits listed above explicitly arise as a result of the huge increase in the built footprint of the dwelling, and would still occur with a replacement dwelling of a similar footprint to that of the existing house. As such it is has not been demonstrated that there is a clear planning or environmental benefit to the proposed extended footprint of the dwelling.

The proposal indicates a traditional Georgian style dwelling, with overhanging dentilled eaves to the roof and the elevations of the main house are arranged symmetrically around the flat-roofed timber porch with circular tapered Tuscan columns and entablature. Georgian architecture typically has significantly higher floor to ceiling heights than those of modern housing, however the proposal has been reduced in height in order that the existing ridge height is not exceeded. Georgian architecture is also known for its rigorous application of proportion and the relationship of solid to void. The proposal indicates very wide piers of brickwork between windows the first floor windows of 3.4 metres, giving the overall elevations a very uncharacteristically high proportion of solid wall to window. However, the proposed materials of brick and natural slate are similar to the existing house and are considered to be locally distinctive. The drawings indicate the use of either aluminium framed or upvc sash and casement windows. The use of upvc on a stand

alone dwelling in a prominent location within the National Landscape would not be acceptable but the use of aluminium would be.

Local Plan Policy D1 - Design and Local Distinctiveness states that proposal will only be permitted where they 'Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context'. The massing of the building, at four times the length of the existing building would cause visual harm to the character of the countryside.

Given the above, the proposal would be contrary to Policy H6 and Policy D1 of the local plan and Policy B2 of the East Budleigh with Bicton Neighbourhood Plan.

Landscape Impact

The site is situated in an attractive rolling, well wooded pastoral landscape. The existing dwelling is generally well screened by the existing hedges and reflects vernacular building style and materials. Publicly accessible views of the site are largely limited to users of surrounding roads in particular Kersbrook Lane over a short length on the immediate approaches and frontage of the site, the B3178 and the minor lane to the west (Back Lane) leading from the B3178 to Budleigh Salterton.

The East Devon and Blackdown Hills Landscape Character Assessment 2019 identifies the site as falling within East Devon Landscape Character Type (LCT) 5D - Estate Wooded Farmland. The LCT is characterised by predominantly pastoral farmland, rolling hills and ridges creating an undulating topography containing historic parkland, estates and manors which have influenced the landscape character and created a strong sense of place.

Although modern development on the western edge of Budleigh Salterton is visible from the site 400 metres to the west, in views towards the site it is seen within a very rural setting and backdrop with no modern development evident.

Relevant Landscape Guidelines for this LCT state that new buildings should be sympathetic to existing buildings (for example in terms of scale and materials) but not necessarily a pastiche.

The proposed dwelling is situated behind an existing hedgebank to Kersbrook Lane. Along the section of hedge coinciding with the front elevation of the proposed building there are no existing trees. As noted in the tree survey, the front hedge (H1) is outgrown, with a high proportion of ash and elm saplings, and will require cyclical coppicing or laying to maintain health and longevity of the hedge.

The proposed building presents a much longer front elevation than the existing one. EDDC's landscape officer has noted that the coppicing of the existing hedgerow is likely to result in the proposed dwelling being considerably more prominent in the landscape. However, the tree survey notes that this coppicing is to the eastern aspect only and not to the section of hedge immediately in front of the house. No indication is made within the tree report regarding why the eastern end is recommended for coppicing / laying to prolong its life expectancy whereas this is not recommended for the rest of the hedge. The site sections show the hedgerow at the

front of the dwelling at approximately 13 metres tall which would not be the case were the hedgerow to be coppiced. As per the Landscape Officer's comment, coppicing or laying of the existing hedge would periodically increase the prominence of the dwelling in views from the west, and occupants may wish to maintain this hedge at a relatively low height by regular trimming to provide views out from the property. However, the applicant has stated that they would prefer privacy rather than a view and as such would be happy to accept a condition requiring a minimum height for H1 to be maintained at.

Because the footprint of the proposed house is significantly larger than that of the existing house, the existing driveway would no longer provide sufficient space for turning. To this end, approximately 1730 square metres of the field to the north east of the site is proposed for change of use to allow for the creation of a new driveway to access the dwelling.

The entrance to the existing driveway is marked by a red brick retaining wall. The existing retaining wall is to be kept, and the proposed site plan indicates this would be blocked off for vehicular use by the planting of two trees within the existing opening.

The proposed access driveway uses an existing agricultural access 40 metres north east of the existing access driveway to the house. The new driveway would be surfaced in tarmac over the initial section with the rest of the drive being covered in gravel chippings.

The site topography means that the drive is relatively steep at the initial access point. No sections have been provided through this initial entrance to demonstrate that proposed access arrangements can be achieved without adverse impact on existing trees and hedgerow and without undue engineering works. The driveway quickly rises to meet up with the hardstanding around the house which is at 5 metres above Kersbrook Lane.

The proposed site plan also indicates a solar array would be installed to the north east of the proposed drive. No details of the installation have been proposed within the application but the provisions of the General Permitted Development Order would allow for the installation of up to 9 square metres of solar panels up to a maximum of 4 metres in height within a domestic garden.

The proposed extension of the garden extends 70 metres to the northwest into the corner of the adjacent field. The extension of the domestic garden with associated domestic paraphernalia would be out of character with the surrounding rural landscape. New landscaping is proposed to the boundary of the garden extension in the form of a new hedgerow and tree planting, but this would not provide any form of screening. Both the land and proposed driveway are in a very elevated location, and together with the 40 metre long built form, the proposal would increase the extent of built development in this rural location creating a more prominent structure and associated landscape alterations that would not conserve or enhance existing landscape character.

Returning to the criteria of Policy H6, the third criterion requires that 'The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape'.

Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The weight attributed to conserving and enhancing the National Landscape as required by the NPPF is reflected within the provisions of Strategy 46 (Land Conservation and Enhancement and AONBs) of the Local Plan. Strategy 46 - Landscape Conservation and Enhancement of AONBs states that within the National Landscape, development must conserve and enhance the natural landscape, must not undermine the landscape quality of the area and should be appropriate to the economic, social and wellbeing of the area.

Publicly accessible views of the site are largely limited to users of surrounding roads on the immediate approaches to the site. However even with just glimpsed views of the site, the proposal represents a considerable extension to the existing built footprint. Even assuming the existing hedges were not coppiced or layed, the variety of species within the hedges which consist of elm, hazel and ash, are all deciduous therefore the house would become more conspicuous during the winter months when the hedge is not in leaf. The massing of the house would be unsympathetic to the rural character of the site and would not preserve or enhance the landscape character of the area.

As such the proposal would be contrary to the requirements of NPPF para. 182, Local Plan Strategies 7 and 46 and policy D1, and East Budleigh with Bicton Neighbourhood Plan Policy N1.

Heritage

The proposal sits 320 metres to the west of Tidwell Manor, a large three storey house built in the early 18th century as a replacement dwelling to a former manor house on the site. The building is a high-status Grade II* dwelling, which as a result of its siting and scale has a strong presence within views from the immediate and wider landscape. The landscape setting of the house, which is mostly uninterrupted by later development and allows far reaching views of open countryside towards the hamlet of Kersbrook and beyond, makes a valuable contribution to its significance.

A Heritage Statement has been submitted with the application.

Tidwell Manor dates from 1725 - 1730 and has a substantial presence within the wider landscape, where it maintains its hierarchical and visual primacy. The principal elevation has a regular rhythm of windows across its façade, and has sweeping views across open fields and undulating hills towards the village of Kersbrook. The application site is situated opposite the principal elevation, on elevated ground.

Historic England have commented that the amendments to the proposal made since the earlier withdrawn application, namely the reduction in the height and length of the wings to a single storey, and the amendments to the driveway access to reduce its visual impact, are sufficient to minimise the impact of the dwelling in views from Tidwell Manor, and to minimise the possibility of the proposal challenging the hierarchical primacy of Tidwell Manor. New hedgerow and tree planting is proposed for the boundary nearest to Tidwell Manor which would also help to mitigate the impact.

In order to ensure the maximisation of opportunities to sustain the green and rural setting of Tidwell Manor, Historic England have stated that careful consideration would be required in the choice of the materiality for the landscaping scheme. The choice of external surface coverings such as gravel and patio slabs will affect the ability of the development to blend into its context.

Historic England consider that the reduction in scale and massing of the building and the alterations to the proposed access would minimise the impact of the proposal in line with Paragraph 201 of the NPPF.

Historic England have recommended that conditions be imposed upon any approval in respect of the landscaping scheme in order that any detailed proposals sustain the rural setting of Tidwell Manor and the proposed materials of the driveway and hard landscaped areas respond to local character and distinctiveness.

Given the above, with the required condition in place it is considered that with the required condition in place the proposal complies with EN8 of the local plan and Policy B1 of the East Budleigh with Bicton Neighbourhood Plan.

Residential / Neighbour Amenity

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties. Given the distance between the proposed dwelling and any neighbours there are no concerns in respect of overlooking or that the proposal would give rise to any negative impacts upon the residential amenity any neighbours.

As such the proposal complies with Policy D1 of the local plan.

Highways, access and parking

The proposed driveway access off Kersbrook Lane is in agricultural use and as such there is no highway objection to the re-use of the access given that the proposed domestic use would be similar to the existing level of use. The proposal does not indicate a visibility splay to the entrance, but traffic speeds would be low and as such highways have indicated 20 metre visibility splay in either direction would be acceptable, which could be achieved through the reduction in width of the hedge either side of the entrance. Highways have also asked that the existing access to the site be blocked up, which has already been covered elsewhere in the report. The

scheme provides parking for four vehicles and the proposed driveway provides sufficient space for turning.

As such the proposal complies with policies TC7 and TC9 of the local plan.

Ecology / biodiversity

The Ecological Impact Assessment originally submitted with the application only addressed the existing boundary to the house and not the 1730 square metres of adjacent field proposed for change of use to provide a domestic drive and garden. EDDC's ecologist also raised further comments regarding omissions in the information provided, in respect of recommended bat DNA testing and the potential for further survey work to be required in respect of Great Crested Newts. Further information has subsequently been provided to address these comments.

An internal survey of the dwelling was undertaken in June 2023, with further emergence surveys being carried out in June and July 2023. The existing dwelling has been confirmed as a day roost for Greater Horseshoe, Lesser Horseshoe, Common Pipistrelle, Soprano Pipistrelle, and Long Eared bats. The proposal would result in the destruction of these roosts and as such a European Protected Species License would be required from Natural England.

The emergence surveys also identified the presence of barn owls roosting within the building. The proposal would also result in the loss of a barn own roost. The report recommends the installation of a barn own nest box on a nearby suitable mature tree.

The initial ecology report also recommended that DNA analysis be carried out on the bat droppings found within the dwelling during the June 2023 surveys to confirm the bat species present. Droppings were sent off for survey in September 2024 however due to the age of the droppings it has not been possible for the laboratory to obtain a DNA result. The location and shape of the droppings indicate that these would have been from a greater horseshoe bat using this as a Night roost location.

The application site is also within a great crested newt (GCN) consultation zone and there are recent (2024) currently unpublished records of GCN within the wider area. As such a Habitat Suitability Index (HSI) survey of the nearby pond would be required for great crested newts which would inform whether a presence/absence survey of the pond would be required. The information subsequently provided identifies the pond as having a score of 0.54 and therefore is of below average suitability for GCN. Therefore no further surveys or mitigation would be required as the presence of GCN is considered unlikely.

Mitigation measures for the bats include the creation of a designated bat loft measuring five metres wide, 5 metre long by 2.8 metres high, either within a designated bat loft in the new dwelling or within a new structure. The report also recommends that other features be incorporated such as bat slates and gaps behind bargeboards or fascias. The drawings do not indicate any kind of access features to the bat loft however the updated ecology report lists access features to be created within the building to allow bat access, which include a 500 x 500mm hopper access

to the east and a further 300mm x 300mm main entrance. The building should also be provided with four eaves access points, two ridge tile access points and two apex access points. The roof space should be insulated above rafter level to prevent heat escaping and the roof construction should be of a traditional cut roof construction rather than a trussed roof in order to provide sufficient flying space.

The report also recommends that no external lighting be installed unless strictly necessary, and any external and internal lighting should follow the guidance set out in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23.

The recommendations contained within the initial ecology report and the updated technical report in respect of ecological mitigation and enhancement shall be conditioned as part of any approval to ensure compliance with Policy EN5.

With the required condition in place, the proposal complies with policy EN5 of the local plan and policy N1 of the East Budleigh with Bicton Neighbourhood Plan.

Trees

The application is accompanied by an arboricultural appraisal to British Standard 5837:2012. A broad range of trees surround the building, varying in species, size, age and quality, with the most significant trees on site being located within the south-western corner of the site away from the house. The report states that the scheme does not require the removal of any trees as a result of the design. The proposed tree works include the coppicing or hedge laying of area A1 to the rear of the house and to the eastern end of hedge H1 to the front of the house, as prudent management to promote health and longevity for these boundary features.

The report includes a Tree Protection Plan and Arboricultural Method Statement detailing the tree protection measures required for the proposals, the timing of the provision of tree protection measures, and the retention of a suitably qualified arboricultural supervisor in the event of any accidental damage to the trees.

With the required condition in place to ensure the protection of the existing hedges and trees during and after the construction of the dwelling, the scheme would comply with local plan policy D3.

Other matters

Surface water drainage is proposed as being dealt with via soakaway and foul drainage will connect to the existing mains sewer. As such the proposed would comply with policies EN19 and EN22 of the local plan. The application site is not within flood zones 2 or 3.

Summary / Conclusion

Policy H6 of the local plan states that proposals for the replacement of an existing dwelling within the countryside will be permitted where the replacement dwelling is located on or adjacent to the footprint of the existing dwelling, or elsewhere within

the curtilage of the building where a clear planning or environmental benefit will be achieved.

The existing house on the site is already substantially larger than the current Nationally Described Minimum Space Standards and the proposed dwelling would provide nearly three times the floor area of the Nationally Described Minimum Space Standards for a four bedroom dwelling. The proposal would increase the built form from a 10 metre wide dwelling on the site to a 40 metre wide built form upon the site.

The applicant has cited several benefits that would arise as a result of the development. The proposal would give a limited increase in the housing supply, and would help facilitate succession of a farming business which currently employs 30 people. However, none of the stated benefits that would arise as a result of the proposal are explicitly linked to the vast increase in the footprint of the building, and would still arise as a result of a more modest proposal that more closely reflects the existing built footprint.

The NPPF at Para. 88 states that Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.

Both the NPPF and Strategy 46 of the local plan give great weight to conserving and enhancing the natural beauty within the National Landscape. NPPF Para.182 states that the scale and extent of development within these designated areas should be limited. The proposed dwelling, which sits 5 metres above the adjacent lane in front of a flat plateau of land would appear as a very prominent feature in the landscape.

Historic England are satisfied that the reduction in the size of the dwelling since the previously withdrawn application would mean the proposal would no longer challenge the hierarchical primacy of Tidwell Manor.

The proposal seeks to insert a prominent structure into a rural landscape which would erode the scenic beauty and landscape quality of the National Landscape. Given the great weight that is to be given to the conserving and enhancing the National Landscape it is not considered that the benefits of the proposal would outweigh the harm to the National Landscape.

The proposal is therefore contrary to the relevant Local Plan and East Budleigh and Bicton Neighbourhood Plan policies and Government Advice contained within the NPPF and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwelling occupies a significantly larger footprint than the existing building to be replaced, despite there being no clear planning or environmental benefits as a result of the planned increase. The proposed dwelling, by way of its design, scale and massing, would result in an incongruous and visually

obtrusive development in a prominent location, siting above a flat plateaux of land. It is also proposed to extend the residential curtilage into the countryside significantly. The development would lead to the erosion of the rural character of the site and fails to conserve and enhance the East Devon National Landscape. The proposals are therefore contrary to Strategy 46 - Landscape Conservation and Enhancement and AONBs, Policy D1 - Design and Local Distinctiveness and Policy H6 - Replacement of Existing Dwellings in the Countryside of the Adopted East Devon Local Plan, Policy B2 (General Design Principles) and Policy N1 (Protecting and Enhancing the Landscape, Biodiversity and Local Countryside Character) of the East Budleigh with Bicton Neighbourhood Plan and the National Planning Policy Framework.

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 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:

8693-03 I	Proposed Combined Plans	19.07.24
8693-04 H	Proposed Elevation	19.07.24
8693-05 H : 1 + 2	Sections	19.07.24
8693-09 B : shed/bat loft	Proposed Elevation	19.07.24
8693-16 A : A-A _ B-B	Sections	19.07.24
8693-17 A : section C-C/site elevation	Combined Plans	19.07.24
8693-LPA	Location Plan	19.07.24
8693-02 Rev H	Proposed Site Plan	20.10.24

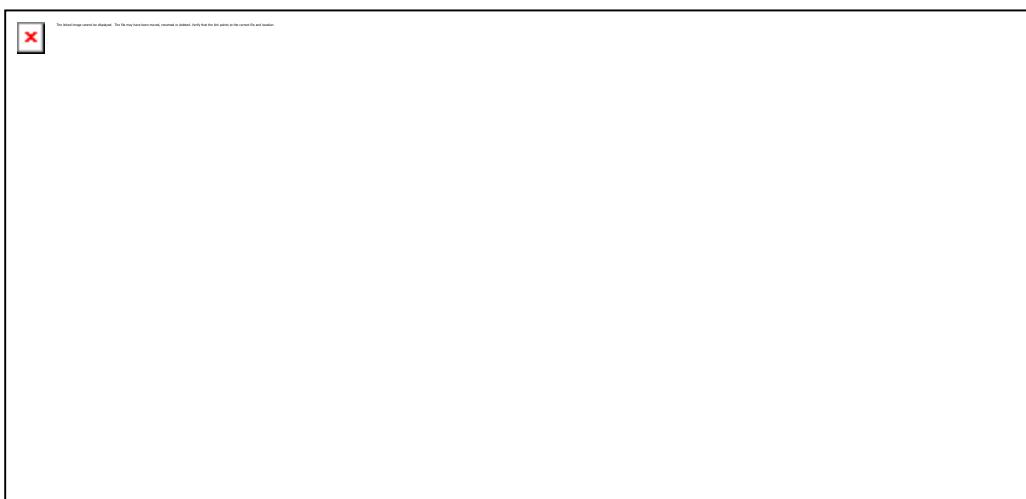
List of Background Papers

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

EDDC Ecologist

There are a few concerns that need addressing.

- The last ecological survey of the site was undertaken in July 2023, i.e., over 12 months ago, and as you highlight some parts of the site have changed, e.g., hedge removal, and some parts of the site are not covered by the ecology report.
- The site is within a great crested newt (GCN) consultation zone and the ecology report notes a pond within 100 m of the site that could potentially be used by GCN. The submitted Design and Access Statement (DAS) states: *"A HSI report was not commissioned as having referred to the Great Crested Newts Consultation Zone maps provided by the Devon Biodiversity Records Centre, Penny Park House is located outside the Consultation Zone."*. However, the site is within a consultation zone boundary shown on eMap and the Devon Environmental Viewer – see below. There are recent (2024) currently unpublished records of GCN within the wider area.



- The ecology report recommends that a DNA test of bat droppings be sent for analysis, but this does not appear to have been undertaken. This could be important as both brown (common) and grey (extremely rare) long-eared bats are both present in the surrounding vicinity.
- The bat loft dimensions appear OK but there are no details regarding access, roof lining, lighting etc. or comment on this from the project ecologist.

Therefore, I would recommend that an updated ecological survey of the site be undertaken, and the ecology report be updated to support the current scheme and site boundary. It should include the results of the DNA survey for bats and a Habitat Suitability Index (HSI) survey of the nearby pond for great crested newts. Should the HSI survey results indicate a suitability of 0.6 (average) or above, then a presence/absence survey of the pond would be required (only possibly between mid-March and June).

South West Water

Proposal: Demolition of existing dwelling and replace with 1no new dwelling, extension of domestic amenity space, creation of a new driveway off an existing access to the highway, and associated landscaping and parking

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Yours sincerely

The Pre-Development Team

EDDC Trees

No objection to the proposed scheme. Any planning approval should be subject to a tree protection condition requiring compliance with the submitted AMS and TPP:

Draft Tree Protection - Approved Tree Protection Plan(TPP) and Arboricultural Method Statement(AMS)

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 19th day of October 2023 will have been completed:

- a) The tree protection fencing shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site. During the development herby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP dated 19th day October 2023 shall be strictly followed.
- e) Ad-hoc monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- g) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Conservation

Site Of Penny Park, Kersbrook Lane, Kersbrook, EX9 7AD

Demolition of existing dwelling and replace with 1no new dwelling, extension of domestic amenity space, creation of a new driveway off an existing access to the highway, and associated landscaping and parking.

Assessment of setting of Tidwell Manor Grade II*

Tidwell Manor is identified as a large three storey house built in the early 18th century as a replacement dwelling to a former manor house now demolished.

A high-status Grade II* dwelling, which as a result of its siting and scale has a strong presence within views from the immediate and wider landscape. Including the features of the landscape to the southeast, which is undulating, verdant and mostly uninterrupted by later development allowing for far reaching views of open countryside towards the hamlet of Kersbrook and beyond.

In summary, the context in which the setting of the Grade II* Tidwell Manor is experienced through the identified views that highlights the close relationship between the heritage asset and its setting, which makes a valuable contribution to its significance.

Proposed works

The works as proposed through this application is for the demolition of an existing dwelling and replace with 1no new dwelling, revised access and associated landscaping, at the site of Penny Park, located east of Tidwell Manor along the road towards the hamlet of Kersbrook.

The potential harm to the heritage asset and identified setting as a result of the proposed development works, has been considered against paras. 208 and 214 of the NPPF23 and Policy EN8 and EN9 of the New East Devon Local Plan (2013-2031), as discussed in the assessment of harm which forms part of this report.

Background

In response to Historic England's comments in relation to the 2023 application submitted for a similar proposal which was subsequently withdrawn. Amendments to the proposals based on a robust understanding of significance have now been submitted through this 2024 application and considered as part of this assessment of harm.

Assessment of harm

The following amendments proposed, as identified by Historic England have gone towards addressing the previously identified harm to the setting of Tidwell Manor and seeks opportunities to enhance its setting.

Changes have been made to the original proposed design to:

- Significantly reduce the mass of the build, this was achieved by reducing the height of the 2 x two storey extensions to single storey height.
- The single storey extensions are well screened by the extensive existing landscaping. Please refer to the 3 photomontages accompanying this application. (Penny Park is a narrow plot and these extensions are unable to be located behind the main core of the house)
- Significantly reducing the overall width of the build by detaching the wagon shed from the house and reducing the width of the side extensions.
- Reducing the height of the wagon shed to single storey by removing the bat box and relocating it as a detached structure in the garden, to ensure it is screened by existing landscaping.
- Replacing the wall material of the wagon shed with natural wood to reflect the rural nature of the area.

In considering the value the wider setting of Tidwell Manor makes to its significance as a Grade II* heritage asset, the reduced scale and massing of the proposed replacement dwelling. In addition to existing and proposed landscaping, would go towards reducing the impact the new dwelling would have on the setting of the heritage asset, to such an extent that the proposal is now considered to preserve the setting of Tidwell Manor and in turn its significance as a Grade II* heritage asset.

In summary and on the basis of Historic England's advice the development works as proposed would preserve the setting of Tidwell Manor a Grade II* listed building and in turn its significance as a heritage asset.

Recommendation approval with conditions

Conditions

- External materials

Historic England

Historic England Advice

The significance of Tidwell Manor

Tidwell Manor is a substantial house of 18th century origins. The house was constructed between 1725 - 1730 to replace the demolished former manor house,

thought to have been sited on the south side of the adjacent road. As a manor house, the building has a close relationship with its immediate surrounds. Its associated farm buildings survive immediately to its north, which are thought to be of contemporary construction date.

Tidwell Manor has a substantial presence within the wider landscape also, where it maintains its hierarchical and visual primacy. Its rectangular form is constructed of red brick, accentuated by chimney stacks and pitched roofs protruding above its parapet. The imposing and authoritative principal façade, with its regular bay rhythm faces south-east. Tidwell Manor has broadly retained its rural setting in this direction, with sweeping views across open fields and undulating hills towards the hamlet of Kersbrook.

The application site is situated within this view, on elevated ground. It currently comprises a semi-derelict five-bedroom house, of red brick, constructed in 1904. Part of its roofscape, and a chimney stack are conspicuous within the landscape and constitute one of the only visible buildings in this direction when viewed from Tidwell Manor.

Tidwell Manor is a Grade II* listed building, recognising its high levels of architectural and historic significance. Only 5.8% of listed buildings achieve this grade, which denotes the building's more than special interest.

The impact of the proposals on Tidwell Manor

The application proposes to demolish the existing building on the site, and construct a replacement dwelling. This would consist of one and two storey elements alongside associated access, garage, parking and landscaping.

Historic England have commented on a previous iteration of these proposals in relation to an application for planning permission, which was subsequently withdrawn, your ref 23/2406/FUL, our ref P01580824. This letter should be read in conjunction with our previous letter.

In that letter we raised concerns regarding the visual impact of the proposed new dwelling on the significance that Tidwell Manor derives from its setting.

Our concerns related to the scale, mass and design of the building, which could challenge the hierarchical primacy of Tidwell Manor. Furthermore, the formalisation of the surrounding landscape, with a sweeping driveway and hardstanding would alter the rural character of the site and further erode the green and rural setting of the manor house.

We encouraged opportunities to be sought that reduced the visual impact of the proposals on the setting of Tidwell Manor, and avoided and minimised harm whilst seeking enhancement.

Since that letter we have provided a letter of pre-application advice in response to amended proposals. At this time the proposals had been amended to reduce the overall footprint of the development, as well as its scale and massing. The wings of the building were decreased from 2 storeys to 1 storey. Amendments to the proposed driveway were undertaken to reduce its visual impact.

In our pre-application advice, we expressed our view that the amendments had minimised the visual impact, and the possibility of the proposed dwelling challenging the hierarchical primacy of Tidwell Manor.

Since that letter further amendments have been undertaken to further reduce the impact. additional reductions in the scale and mass of the principal building, the detachment of the covered garage and a more direct approach driveway. The submitted visualisation and plans show that these alterations have all contributed to a further reduction in impact.

Furthermore, a more robust planting scheme is proposed for the boundary nearest to Tidwell Manor which will help to mitigate the impact.

In order to ensure the maximisation of opportunities to sustain the green and rural setting of Tidwell Manor, careful consideration will be required in the choice of the materiality for the landscaping scheme. The choice of external surface coverings such as gravel and patio slabs will affect the ability of the development to blend into its context.

Policy context

National Planning Policy Framework (NPPF) paragraph 201 outlines that it is the duty of your authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), and take this into account when considering the potential impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 203 (a) outlines that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 203 (c) makes it the duty of your authority to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Historic England's Position

Historic England considers that these proposals are an improvement on those that we initially commented on. The reduction in scale and massing of the building and the alterations to the access have reduced the visual impact of the proposals and the presence of the building in the wider landscape. (NPPF 201). The provision of additional screening will assist in mitigating the visual impact.

Further clarity will need to be sought regarding the proposed materiality within the landscaping scheme to ensure that it maximises opportunities to sustain the rural setting of Tidwell Manor. (NPPF 203a). The gravel access drive and patio slabs should be of a materiality that positively responds to local character and distinctiveness. (NPPF 203c).

Should your authority be minded to grant consent, clarity could be sought on these details prior to consent being granted, or via appropriately worded conditions attached to any consent.

Recommendation

There have been a number of amendments to these proposals following Historic England's letters of advice in response to an earlier application, and subsequent pre-application engagement with the applicant. These amendments have allowed us to remove our concerns.

Careful consideration will need to be given to the materials used in the landscaping scheme in order to offer a positive contextual response to local character and distinctiveness.

Should your authority be minded to grant consent this could be secured via the submission of further information prior to the granting of permission, or appropriately worded conditions attached to any consent.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 201, 203 a & 203 c of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have

special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Yours sincerely
Harish Sharma
Assistant Inspector of Historic Buildings and Areas

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 SITE CONTEXT

The site is situated in an attractive rolling, well wooded pastoral landscape. The existing dwelling is generally well screened within a mantle of trees and hedges, is of modest scale and reflects vernacular building style and materials.

Publicly accessible views of the site are largely limited to users of surrounding roads in particular Kersbrook Lane over a short length on the immediate approaches and frontage of the site, the B3178 and the minor lane to the west (Back Lane) leading from the B3178 to Budleigh Salterton. There are long distance views of the site from Budleigh Salterton footpath 13 but in these views it is seen in the context of existing built form and infrastructure on the edge of the town.

The site lies within the East Devon National Landscape (AONB). Paragraph 182 of the NPPF states that AONBs, along with National Parks, have the highest status of protection in relation to conservation and enhancement of landscape and scenic quality and that the scale and extent of development in these areas should be restricted.

3 LANDSCAPE CHARACTER

3.1 Published landscape character assessments

The site falls within East Devon Landscape Character type 5D - Estate Wooded Farmland as identified in the East Devon and Blackdown Hills Landscape Character Assessment 2019.

Relevant Key Characteristics for this LCT include:

- Rolling hills and ridges drained by frequent streams creating an undulating topography

- Well-wooded character, with frequent plantations, estate woodlands, historic wood pasture and conifer blocks.
- Predominantly pastoral farmland, with areas of arable cultivation. Fields enclosed by wildflower-rich banks and mixed hedges. Some estate railings and walls.
- Grassland, ponds and valley mire, and bands of ancient woodland.
- Historic parkland, estates and manors influencing landscape character and creating strong sense of place.
- Nucleated historic hamlets and villages with square stone church towers forming local landmarks. A range of materials and building styles.
- Winding rural roads bounded by Devon banks restricting views, crossing streams on stone bridges. Network of green lanes around Bicton.
- Strong sense of peace and tranquillity, particularly away from the cores of estates.

Relevant Forces for change acting on this LCT include:

- Erosion of distinctive character of settlements and their landscape settings.

Relevant Landscape Guidelines for this LCT include:

- Protect key historic views from properties, and public viewing points such as roads and footpaths.
- Protect skylines, through resisting development which will appear on horizons, and by managing/ replacing historic planting schemes.
- Protect the very distinctive character of some estate villages.
- New buildings should be sympathetic to existing buildings (for example in terms of scale and materials) but not necessarily a pastiche.

3.2 Landscape character of site and local environs

The landscape character of the site and its surroundings reflects many of the key characteristics of LCT 5D and is of good scenic quality and condition. Although modern development on the western edge of Budleigh Salterton is visible from the site 400m to the west, in views towards the site it is seen within a very rural setting and backdrop with no modern development evident.

4 REVIEW OF SUBMITTED DETAILS

Aerial photographs from June 2022 show the presence of a hedgerow with trees to the northwest boundary of the existing property. These do not appear on the tree survey.

The proposed dwelling is situated behind an existing hedgebank to Kersbrook Lane. Along the section of hedge coinciding with the front elevation of the proposed building there are no existing trees. The hedgebank as noted in the tree survey (H1) is outgrown, with a high proportion of ash and elm saplings, and will require cyclical coppicing or laying, as noted in the tree survey, to maintain healthy stems. This would periodically increase the prominence of the dwelling in views from the west. It is also likely that occupants would wish to maintain this hedge at a relatively low height by regular trimming to provide views out from the property - which is a stated aim in the DAS (refer DAS section 2, last paragraph).

The proposed building presents a much longer front elevation than the existing one. This, combined with the issues relating to hedgerow management noted above is likely to result in it being considerably more prominent in the landscape. This could possibly be mitigated in the medium-long term by provision of standard trees behind the roadside hedgebank to provide screening, but it is unclear from the submitted details if there is sufficient space available due to the steep (presumably engineered) embankment indicated to retain the terrace to the front of the building.

While the proposed new access track could be accommodated without widening of the existing field access, the new trackway would be surfaced in tarmac over the initial section and would appear as a new roadway. There is no indication of visibility splays required to accommodate the new access arrangements and requirements for this, if any, should be confirmed to ascertain the extent of any required removal or cutting back of existing hedges to either side.

The proposed extension of the garden of the property by 70m to the northwest into the corner of the adjacent field through which the new access track would run is also likely to have an adverse impact on rural character.

A minimum 1:200 scale proposed and existing levels plan based on accurate topographic survey is required to demonstrate that proposed access arrangements can be achieved without adverse impact on existing trees and hedgerow and without undue engineering works. The drawing should indicate the location, height and extent of any proposed retaining structures and the extent of grading works. Construction details of proposed retaining structures/ earth reinforcement systems should also be provided.

5 CONCLUSION & RECOMMENDATIONS

There are a number of issues relating to the submitted information and clarifications needed as noted above.

On the basis of the submitted information the proposed development will increase the extent of built development in an isolated rural location creating a more prominent structure and associated landscape alterations that would not conserve or enhance existing landscape character, contrary to the requirements of NPPF para. 182 Local Plan strategies 7 and 46 and policy D1.

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.