

Ward Newton Poppleford And Harpford

Reference 24/1816/FUL

Applicant Mr Christopher Drake

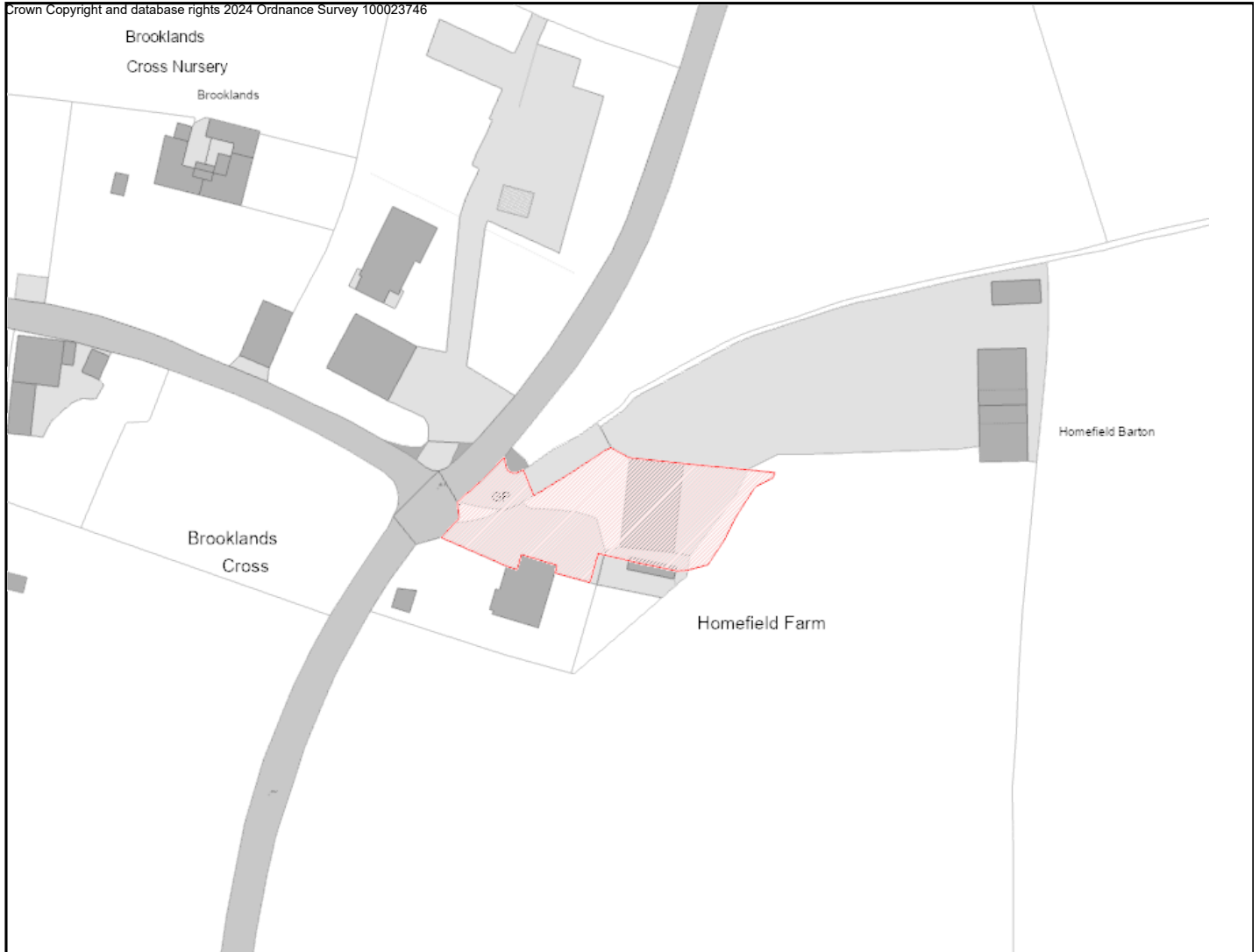
Location Homefield Farm Newton Poppleford EX10 0BY

Proposal Conversion of barn to dwelling and associated works



RECOMMENDATION: Approval with conditions

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		Committee Date: 17.12.2024
Newton Poppleford And Harpford (Newton Poppleford And Harpford)	24/1816/FUL	Target Date: 25.10.2024
Applicant:	Mr Christopher Drake	
Location:	Homefield Farm Newton Poppleford	
Proposal:	Conversion of barn to dwelling and associated works	

RECOMMENDATION: Approval with Conditions

EXECUTIVE SUMMARY

The application is before members of the planning committee as the officer's recommendation differs to that of the Ward Member. It is also a departure from the development plan.

The application seeks permission to convert an existing barn to a single storey four bedroom dwelling at Homefield Farm, Newton Poppleford. The proposed dwelling will be vertically timber clad with PPC aluminium doors and windows and have a zinc standing seam roof, it will also use the same access from Venn Ottery Road that serves the main farmhouse.

While sited outside of the built-up area boundary contrary to Policy H3 of the Neighbourhood Plan, it is supported by Strategy 7 and Policy D8 of the Local Plan and paragraph 84 of the NPPF. A relatively recent planning appeal deemed the site opposite, Land South of Grange Farm' to have adequate access to the village. The same arguments would apply to this site. Should the issue of accessibility be challenged, the proposal would equally be supported by paragraph 84 of the NPPF which permits 'isolated' dwellings where they reuse disused buildings and enhance the immediate setting.

Whilst the proposal is contrary to Policy H3 of the Neighbourhood Plan and therefore is a departure from the development plan it is considered that as the neighbourhood plan is silent on how barn conversions should be assessed. The support for re-use of redundant rural buildings set out in the NPPF and the fact that this is a brownfield site are material considerations which weigh in favour of the proposal and justify approving the application as a departure from the development plan.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council carried out a site visit prior to discussing this application on 30th September.

It is noted that the proposed development is outside the Built Up Area Boundary of the village is is therefore contrary to Policy H3 of the Neighbourhood Plan. The reference to the development at Grange Farm which was allowed on Appeal is irrelevant as this took place prior to the adoption of the Neighbourhood Plan.

The applicant has explained that the building is no longer required for commercial purposes. Some Councillors feel that the re-purposing of the building into residential accommodation makes good use of a redundant building.

Therefore, on balance, the Council voted by a small majority to support this application.

Council requests that the number of parking spaces is increased to 4 to comply with Neighbourhood Plan policy T1 . Council would also prefer the proposed stock proof fencing to the East be replaced by a native hedge (Policy TH1)

Newton Poppleford And Harpford - Cllr Chris Burhop

On the face of it this application has a number of issues, not least development in the countryside in the National Landscape (formerly East Devon AONB) and remoteness from local facilities.

I have some sympathy with the applicant who has said that they wish to convert this property with a view to housing their close relatives rather than to endeavour to profit. The proposed design is sympathetic to the existing barn's footprint and is not easily visible from public highway or footpaths. It is noted that the proposed plans are also single storey only and this is to its credit.

Local Plan policy D8 supports the conversion of rural buildings in certain circumstances, one of which is the building should not need substantial reconstruction. This structure appears to be of sound, relatively recent construction. The sides and roof are proposed to be replaced for the residential development and it is a matter of opinion whether this would constitute substantial reconstruction. The adjacent property at Homefield Farm has been itself subject to a recent application to convert to a combined residential and office use and this has been completed in a sympathetic and attractive way.

The building was clearly in use as a store and not vacant, bringing into question whether the building could genuinely be said to no longer be required for agricultural use. The question of whether the development would enhance the site's setting is again subjective. The biggest enhancement seeming to be the proposed removal of a redundant caravan to the southern boundary, which itself may or may not have planning permission.

I believe that the biggest issue for the development is the distance from local services and facilities. The applicant is citing the barn conversion at Grange Farm (19/1999/FUL) but his is a) some 400m closer to the village of Newton Poppleford and is b) in any respect an application in its own right and was subject to an appeal that was a borderline decision by the inspectorate, before the Newton Poppleford Neighbourhood Plan was 'made'. If this application is approved it effectively greatly widens the radius from facilities that they could be described as 'accessible'. This will

represent a worrying precedent that will inevitably be latched on to by local developers.

The lack of suitable facilities in close proximity contravenes local plan and neighbourhood plan policies and on this basis, on balance, I have to object to the application.

Technical Consultations

No technical consultations received.

Other Representations

No other representations received.

PLANNING HISTORY

Reference	Description	Decision	Date
18/2772/FUL	Application for a 'live/work' unit in conjunction with the existing business	Approval with conditions	14/08/2019
14/2001/CPE	Certificate of Lawfulness for the existing residential use of Homefield Farm for a period in excess of 10 years	CPL Approve	22/01/2015
94/P0662	General Purpose Agricultural Building	Approval with conditions	25/11/1994

POLICIES

Government Planning Policies

National Planning Policy Framework

National Planning Policy Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 3: Sustainable Development
Strategy 5: Environment
Strategy 7: Development in the Countryside
Strategy 38: Sustainable Design and Construction
Strategy 46: Landscape Conservation and Enhancement and AONBs
Strategy 47: Nature Conservation and Geology
Strategy 48: Local Distinctiveness in the Built Environment
Strategy 50: Infrastructure Delivery
Policy D1: Design and Local Distinctiveness
Policy D2: Landscape Requirements
Policy D8: Re-use of Rural Buildings Outside of Settlements
Policy EN5: Wildlife Habitats and Features
Policy TC2: Accessibility of New Development
Policy TC7: Adequacy of Road Network and Site Access
Policy TC9: Parking Provision in New Development

Newton Poppleford and Harpford Neighbourhood Plan (2020-2031)

Policy EP1:	Conservation and Enhancement of the East Devon AONB and Natural Environment
Policy EP6:	Local Amenity
Policy H3:	Outside the Built-up Area Boundary
Policy TH1:	Trees and Hedgerows
Policy T1:	Adequate Parking
Policy T2:	Traffic Calming

Site Location and Description

Homefield Farm lies to the North of Newton Poppleford outside the built-up area boundary and within the East Devon AONB/National Landscape. It is located approximately 20 minutes' walk from the village centre, on a stretch of Venn Ottery Road which is both unpaved and unlit with only a few neighbouring properties around it. The land use immediately around the site is largely agricultural.

ANALYSIS

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. In this case the development comprises the East Devon Local Plan 2013 to 2031 and the Newton Poppleford and Harpford Neighbourhood Plan 2020 to 2031.

As the site lies outside the built-up area boundary, strategy 7 of the East Devon Local Plan (2013-2031) applies. Strategy 7 states '*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*'. The explicit policy in this instance would be Policy D8 of the East Devon Local Plan (2013-2031). As written under Policy D8:

'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.*

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*

Residential use will be expected to comply with the affordable housing and, open space and education provision policies of the Plan'.

Each of the criteria above will be assessed in turn below:

- 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.**

The design and access statement identifies that, *'the entire proposal sits within the shape and form of the existing walls and roof with no extensions proposed'* and *'the building will utilise timber cladding and standing seam roof panels with aluminium framed glazing [...] consistent with the materials used within the adjacent Dutch barn live / work unit'*. Based upon this information the works are considered *'sympathetic to and will enhance the rural setting and character of the building and surrounding area'*.

As for the proposals dependence on *'the need to travel by car'*, the site lies approximately a 20-minute walk from the centre of Newton Poppleford. This is along an unlit and unpaved c-road for the vast duration of this walk and therefore occupiers would be very likely to rely on private car use. There is a public footpath to the north of the site removes the need to travel on the main road, however this is a less direct route and only likely to be used during daylight hours and in good weather.

While each application must be determined under its own merits, in addressing accessibility the approval of a similar proposal under appeal APP/U1105/W/20/3248033 (EDDC REF 19/1999/FUL) at Grange Farm directly across the road from this site needs to be recognised. That appeal found that future occupants would rely on *'private vehicles to some extent. However that uplift [in vehicle movements] would be modest in respect of a single dwelling'*.

Whilst officers consider future occupiers of this proposed development will be reliant on use of the private car, the findings of this relatively recent appeal should be taken into consideration and it is concluded that the proposal will not substantively add to the need to travel by car.

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;

In response to paragraph 2 the proposal is supported by a structural survey undertaken by X Consulting Engineers Ltd. The findings of the survey suggest the existing purlins, concrete wall panelling and internal concrete slab floor are *'in good condition and can remain as part of the converted scheme'*. The survey concludes stating *'No parts of the structure were found to require replacement'* and *'The building is structurally sound and does not require substantial alteration'*. Based upon the information contained within this structural survey, and with no evidence to the contrary, it is considered the works adhere to paragraph 2.

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;

With regards to paragraph 3, the proposed dwelling is to use timber board cladding for the walls, zinc standing seam roof panels and aluminium doors and windows; as mentioned above it will also retain its existing shell. As there is no change to its form it is considered that the building would be in keeping with its surroundings. With regards to materials, the change from corrugated metal sheeting to a standing seam zinc roof and the retention of timber board panelling for the walls is also considered in-keeping, reflecting the agricultural character of the site.

The introduction of significant domestic outbuildings, fencing etc could adversely impact on the rural character but this could be controlled through the removal of permitted development rights.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

As for paragraph 4, as the works are a conversion into a single dwelling it is not considered to significantly increase pollution or storage and would not result in the erection of associated structures (but in fact the removal of one). Traffic and parking arrangements on site will change marginally but not to a degree that would *'harm the countryside'*, more about traffic and parking is mentioned below.

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

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

Paragraph 5 queries whether the works would '*undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function*' with paragraph 5a) adding that '*the building is no longer required for agricultural use or diversification purposes*'. As per the planning statement provided, the building was used for the maintenance of the applicants' tractors and other machinery however the sophistication of modern machinery means that servicing can no longer be done by the individual and requires inspection and maintenance by a mains dealer. Its intended function therefore is obsolete and as a result would not require a replacement building to fulfil a similar function. Similarly, the agent has used this as justification as to why its loss would not undermine the viability of the existing agricultural enterprise.

With regards to points b) and c) in paragraph 5 as the conversion removes a redundant portacabin to the rear and has chosen materials sympathetic to its surroundings and in keeping with its agricultural nature, it is considered to comply with 5b).

With regards to 5c) and as mentioned above the proposal lies just within the cusp of being readily accessible to services and facilities within Newton Poppleford. As taken from the Sustrans guidance '*800m, or approximately half a mile, is generally considered a standard walkable distance as it typically takes approximately 10 minutes to walk, and a 20 minute walking trip (1,600m total) has been found to be the longest distance a majority of people are willing to walk to meet their daily needs*'. Walking from site to the centre of Newton Poppleford would take less than 20 minutes and therefore adheres to these preferences, although it is acknowledged that as the route is via a narrow rural road without pavements of street lights and is therefore not an attractive route.

Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031).

The final policy of pertinence which relates to the principle of the works is Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031). Policy H3 states '*Any residential development outside the BUAB: must be adjacent to the BUAB*'. The proposal is sited some distance from the built-up area boundary therefore it cannot be said that it is '*adjacent to*' as required by this policy. Taking all the above into consideration it is clear there is a conflict between Strategy 7 (and by extension D8) of the East Devon Local Plan (2013-2031) and Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031).

As the adopted neighbourhood plan and the policies contained within it are a material consideration, relevant to this proposal it cannot be dismissed. As stated in para 30 of the NPPF *'Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently'*. As the Neighbourhood Plan for Newton Poppleford and Harpford was not adopted until June 2021, after the adoption of the Local Plan it therefore takes precedence over the existing non-strategic policies; in this instance D8 of the East Devon Local Plan - which could be used to justify the principle of development. This is reinforced in Section 38(5) of the Planning and Compulsory Purchase Act 2004 which states *'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'*.

As such it must be concluded that as the proposed development in contrary to Policy H3 of the Neighbourhood Plan it is a departure from the development plan. It is necessary therefore to consider if there are material considerations that justify approving this contrary to the development plan.

Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan states that *'any residential development must be adjacent to the BUAB'*. The plan is silent however on how matters such as rural workers dwellings in the countryside and re-use of redundant rural buildings should be assessed.

The National Planning Policy Framework, 2023 is a material consideration and at para 84 states *'planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply [...] the development would re-use redundant or disused buildings and enhance its immediate setting'*. Therefore, as the NPPF facilitates the principle of isolated homes (subject to its provisos) on a national level this weighs in favour of the development.

As per the submitted plans the converted dwelling removes a 'portacabin' south of the barn and offers a private amenity area to the would-be occupants, replacing an existing hard surface with a planted garden including trees and hedges. Para 84c) of the NPPF would support the conversion a redundant building provided it *'enhances its immediate setting'*. Although domestication of the countryside is not necessarily an enhancement, subject to appropriate landscaping and sensitive boundary treatment of which can be secured by condition, it is considered that in this instance the proposal would enhance the immediate setting.

In summary, the proposal is contrary to Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031) but it is in accordance with both the East Devon Local Plan Policies and National Policies within the NPPF; The Neighbourhood Plan is also silent on how matters such as barn conversions or rural workers dwellings should be considered. Taking these considerations together the balance weighs in favour of the development.

Design, character and landscape Impact

Given the sites rural location within the AONB/National Landscape careful consideration needs to be given to the design and landscape impacts of this application.

Policy D1 of the East Devon Local Plan (2013-2031). Policy D1 states:

‘proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed’ and ‘ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context’.

As the proposal is for a conversion it will not alter the form of the existing barn aside from infilling the roof overhang on the eastern elevation, it therefore would continue to respect the context of the site. With regards to materials the proposal intends to use materials of a similar appearance to those used in the existing building adding doors, windows and making necessary internal alterations to make the barn a functional dwelling. The choice of materials, scale and design of the structure would continue to respect the key characteristics and qualities of the area and therefore the works are in accordance with this policy.

As for the impact on the landscape, the site lies within the East Devon AONB/National Landscapes and is characterised as LCT 3B: Lower Rolling Farmed and Settled Valley Slope in the East Devon and Blackdown Hills Landscape Character Assessment (2019). Given the impact the works could have on this special landscape designation attention is drawn strategy 46 of the East Devon Local Plan (2013-2031) and the East Devon AONB Partnership Plan (2019-2024). Strategy 46 states:

‘development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty’.

The topography of the site means that the building benefits from lying in a sunken position, which partially hides its South and West elevation. As the land rises on its Eastern elevation and there is high hedgerow boundary immediately north of the proposed dwelling the conversion will be largely hidden from surrounding public views and therefore unlikely to affect the character of the AONB/National Landscape. Furthermore, as the building is a conversion and there is no alteration to its height and mass it would not stick out any worse than present. To ensure that the materials used in the conversion are sympathetic to the AONB/National Landscape an appropriate condition should be added.

As for the East Devon AONB Partnership Plan (2019-2024) Policy L1 will:

‘support the development and delivery of environmental schemes and projects aimed at maintaining and improving the landscape character, historic environment and local distinctiveness of the AONB’.

While the alteration from an agricultural building to a dwellinghouse would result in a domestication of the countryside, the proposal is not considered to harm the landscape character or local distinctiveness. As the conversion will retain the form and materials typical of an agricultural building and already sits adjacent to the main farmhouse which is domestic itself, it is not considered to harm the countryside nor the characteristics of the AONB as a whole. As mentioned above subject to an appropriate material and landscaping condition the site would still retain its rural charm.

In addition to Strategy 46, the proposal will also need to adhere to Policy EP1 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031). Policy EP1 is broken down into 8 requirements 'a-h', statement a) states 'the AONB and natural environment is very important to residents so conservation must be a primary planning consideration all developments, including for agriculture and extensions to existing buildings, should give great weight to conservation and enhancement of the natural environment'. Statement e) on the other hand requires development to 'safeguard open countryside and cherished public views from inside and outside the parish as identified on Map 9'. With regards to statement a) and as mentioned above the proposal is for a conversion of an existing building and does not involve extending the building therefore it is considered it would still conserve the surrounding landscape. As for statement e) the nearest cherished public viewpoint is number 3 which is North East of the existing site. As also mentioned above the site is sunken and well screened from all directions, it is not considered to have any impact on this cherished public view. With regards to statement d) which requests enhancing biodiversity, the proposal is supported by an ecology survey which suggests ecological enhancement measures. These could be secured via a condition. In this instance statements b), c), f), g) and h) do not apply as the works are for a conversion of a building not an extension or construction of a new dwelling and no trees are to be lost as a result of this scheme. The proposal is considered to be compliant with Policy EP1.

Heritage

The site does not lie within a conservation area nor do the works take place near to or within the setting of a listed building therefore there are no heritage concerns.

Residential / Neighbour Amenity

With the exception of the existing dwelling Homefield Farm the other properties nearby are some distance from the proposed dwellings curtilage. The proposal will therefore be judged on the impact it would have on the existing bungalow and in accordance with Policy D1 of the East Devon Local Plan (2013-2031) and Policy EP6 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031). Policy D1 states:

'proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties'.

Given the orientation and separation distance of the two properties there are no issue anticipated with regards to the proposed dwelling overlooking or overshadowing the existing dwelling. Furthermore the proposal has sited its private amenity space to the East of the dwelling away from Homefield farm, offering any “would-be” occupier adequate privacy.

Policy EP6 on the other hand states:

‘development proposals that adversely impact on residential amenity will not be supported. There will be a presumption against proposals that detrimentally affect the tranquillity of the area including through unnecessary lighting that further impacts the night time dark skies or through the generation of noise’.

As the proposal is for the conversion of an existing agricultural building to a singular dwelling it is not considered to have any impact on the ‘tranquillity’ of the area nor result in an increase in noise pollution. With regards to light spill the proposal includes full height windows on its East, South and West Elevation which would result in some light spill. However, given the proposed dwellings sunken position and screening on its Eastern elevation in the form of planting in the private amenity space, it is considered that light spill from the property would not adversely affect the dark skies which are characteristic of the AONB and therefore is in accordance with Policy EP6 and para 191 c) of the NPPF.

Highways, access and parking

There are no alterations the existing access for the site however as the proposal involves changing what is at present an agricultural building to a dwelling, its new use will alter traffic flows and parking provision on site.

With regards to traffic attention is therefore directed toward Policy TC7 of the East Devon Local Plan (2013-2031) which states:

‘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’.

As the proposal is only for a singular dwelling it is not considered to cause a significant increase in traffic entering and leaving the site at any given time. As such there are no concerns with regards to highway safety stemming from the proposal. In response to parking provision the proposal should be compliant with Policy TC9 of the East Devon Local Plan (2013-2031).

Policy TC9 states:

‘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’.

As indicated on the proposed site plan the parking arrangements are to be shared between the existing bungalow (Homefield Farm) and the dwelling under this

proposal. From the site plan provided and following a site visit, the shared parking area would still offer ample amounts of parking to both properties and therefore would be in accordance with Policy TC9.

In addition to the highways, access and parking policies contained within the East Devon Local Plan (2013-2031) the proposal should also adhere to Policy T1 and Policy T2 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031).

Policy T1 focuses on parking detailing that *'for each residential development, parking spaces should exceed that given in the Local Plan in that one parking space should be allocated per bedroom (i.e. at least one car parking space should be provided for one bedroom homes, at least two car parking spaces should be provided for two bedroom homes etc.). At least one secure bicycle parking space should be provided per bedroom'*.

As mentioned above the works are compliant with Local Plan Policy TC9, furthermore the proposal does offer a secure bike storage in the form of a shed within the private amenity space to the east of the property. As for the additional spaces required to adhere to Policy T1 these can be secured via an appropriate condition. As for Policy T2 which says *'proposals for new development will only be supported where they demonstrate that [...] road safety will be a priority in design terms in particular taking into account satisfactory road access points and blind corners'*. As this proposal does not alter the existing access arrangements on site and that at present there is adequate visibility onto Venn Ottery Road in both directions when leaving the site it is considered to adhere to this policy.

Highway impacts and parking provision are considered to be acceptable and in accordance with policy.

Ecology / biodiversity

As per the application form the proposal benefits from the self-build biodiversity net gain exemption as it is for a singular dwelling on a site less than 0.5 hectares. A planning condition will secure that the development meets the definition of a self-build, which is a building to be completed by the individual (seeking to build the home) for occupation by that individual.

As for ecology impacts the application is supported by an ecological impact assessment by GE consulting services. The findings of the assessment conclude that there was no evidence of bats using the existing building and that the building itself offered no roosting potential. As for birds the assessment states there is evidence of nesting swallows in the building at present and that other garden variety birds could also be supported by the building. As such the survey recommends compensatory measures in the form of bat and bird boxes in addition to the planting of five native hedgerow species along the northern boundary and native trees to be planted on the site, all of which can be secured via a condition.

Habitat Regulations Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

Trees

There are no trees near the proposed conversion therefore there would be no impact on trees.

Drainage

As per the application form surface water is to be dealt with via the means of a soakaway. The application is also supported by a foul drainage assessment form (FDA1) stating the proposal does not intend to connect to existing mains drainage as there is no mains drainage within the local area and therefore a package treatment plant is proposed. The foul drainage follows the general binding rules for small sewage discharges with the applicant/agent declaring that the system will be maintained as per the manufacturer's instructions.

Flood risk

The site lies in flood zone 1 at low risk of flooding, as the proposal is to convert the existing building it will not result in a decrease in permeable surface area therefore it is not anticipated to have any impact with regards to flooding.

Loss of Agricultural Land

While the land immediately adjacent to the site is grade I agricultural land as the proposal is for a conversion which will not increase the floor area of the existing shell, it will therefore not encroach onto this agricultural land.

CONCLUSION

The proposed conversion does not sit adjacent to the build-up area boundary as per Policy H3 of the Newton Poppleford and Harpford Neighbourhood Plan (2020-2031) and is not in a sustainable location in that there is no safe pedestrian access to the village as required under Policy D8 of the East Devon Local Plan. However, these policies have to be balanced against the reuse of a redundant building which offers enhancement to its setting which is supported by para 84c) of the NPPF, a recent appeal decision which has deemed the location to be suitable for a new single dwelling and the provision of a new dwelling at a time when the Council's needs to increase its housing land supply.

The proposal would be sympathetic to its rural surroundings and to the character of the AONB. No other concerns have been raised with the proposed conversion and taking everything into account the application is recommended for approval.

On balance the application is recommended for approval.

RECOMMENDATION

The application is considered acceptable and is recommended for approval.

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. Following the recommendations from the Ecological Impact Assessment by GE Consulting Services (UK) Ltd dated 23 August 2024, the following ecological enhancement measures shall be implemented on site prior to occupation of the dwelling:
 - a. the provision of a single bat box
 - b. the provision of a single swift box

Details of the specification, size and location of which shall be submitted to and approved in writing by the local planning authority prior to installation and shall thereafter be retained and maintained in perpetuity.

(Reason - In the interests of biodiversity enhancement in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

4. Prior to occupation of the dwelling permitted a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment in addition to details of any external hardsurfaces. The landscaping scheme shall be carried out no later than the first planting season after first occupation of the dwelling unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the details shown on the approved plans, prior to their installation, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. The dwelling hereby approved shall be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The dwelling shall only be occupied as a self-build/custom build dwelling in accordance with the Self-build and Custom Housebuilding Act 2015 for a period of at least 3 years from date of the first occupation of the dwelling. In the event that the dwelling is not built and occupied for a minimum 3 years as a self-build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall be implemented in accordance with the approved details.
(Reason - Exemption from biodiversity net gain has been obtained because the dwelling is a self-build/custom build property)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no works within the Schedule 2 Part 1 Classes A, B, C, D or E and Schedule 2 Part 2 Class A, for the enlargement, improvement or other alterations to the dwellings hereby permitted (other than works that do not materially affect the external appearance of the buildings), shall be undertaken.
(Reason – To retain the simplistic rural character of the barn. In accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

8. Prior to occupation of the dwelling hereby permitted a plan indicating the parking arrangements for at least four cars on site shall be submitted to and approved by the local planning authority, the parking area shall be laid out and made available prior to first occupation of the dwelling and thereafter the parking arrangements shall remain as such in perpetuity.
(Reason- To ensure adequate parking provision is provided and retained on site in accordance with Policy T1 of the Newton Poppleford and Harpford Neighbourhood Plan 2020-2031 and Policy TC9 of the Adopted East Devon Local Plan 2013-2031).
9. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless details of an alternative means of surface water drainage are submitted to and approved in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall thereafter be retained and maintained for the lifetime of the development.
(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

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 exemption 4.5 from the list below is 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.

Community Infrastructure Levy (CIL):

Financially important information that may affect you.

If permission is granted for the development of any new dwelling(s), house extensions of least 100 square metres of new-build gross internal area (GIA)

(including replacement of existing GIA), residential annexes and/or new retail floorspace over 100 sq m outside of a town centre, it will usually become liable for a Community Infrastructure Levy (CIL) payment under East Devon District Council's charging schedules. If your development is liable, you will be sent a liability notice that will provide details of the charge. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process will be provided with the liability notice or upon request.

Please note that CIL paperwork needs to be completed before development commences, including any demolition, or penalties of 20% of the CIL amount due, up to a maximum of £2,500 for commencing without submitting a valid commencement notice and/or £50 for not assuming liability will be incurred and the facility to pay in 4 instalments over 24 months will be lost. If you are seeking to claim an exemption do not start work until you receive your grant of exemption as this would invalidate your claim and CIL would be payable in full. Further information about CIL is available at Community Infrastructure Levy (CIL) - East Devon

Plans relating to this application:

2623.6	Proposed Floor Plans	30.08.24
2623.7	Proposed Elevation	30.08.24
2623.8	Proposed Site Plan	30.08.24
2623.9	Location Plan	30.08.24

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.