

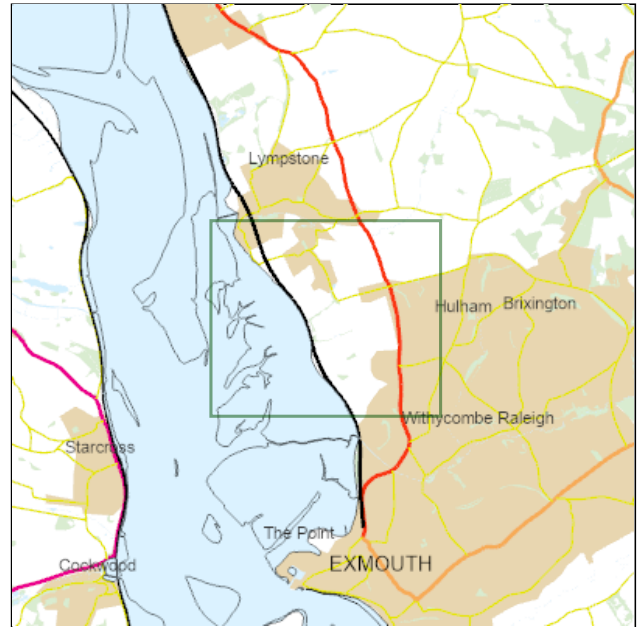
Ward Exmouth Halsdon

Reference 22/2428/FUL

Applicant Mr Michael Caines

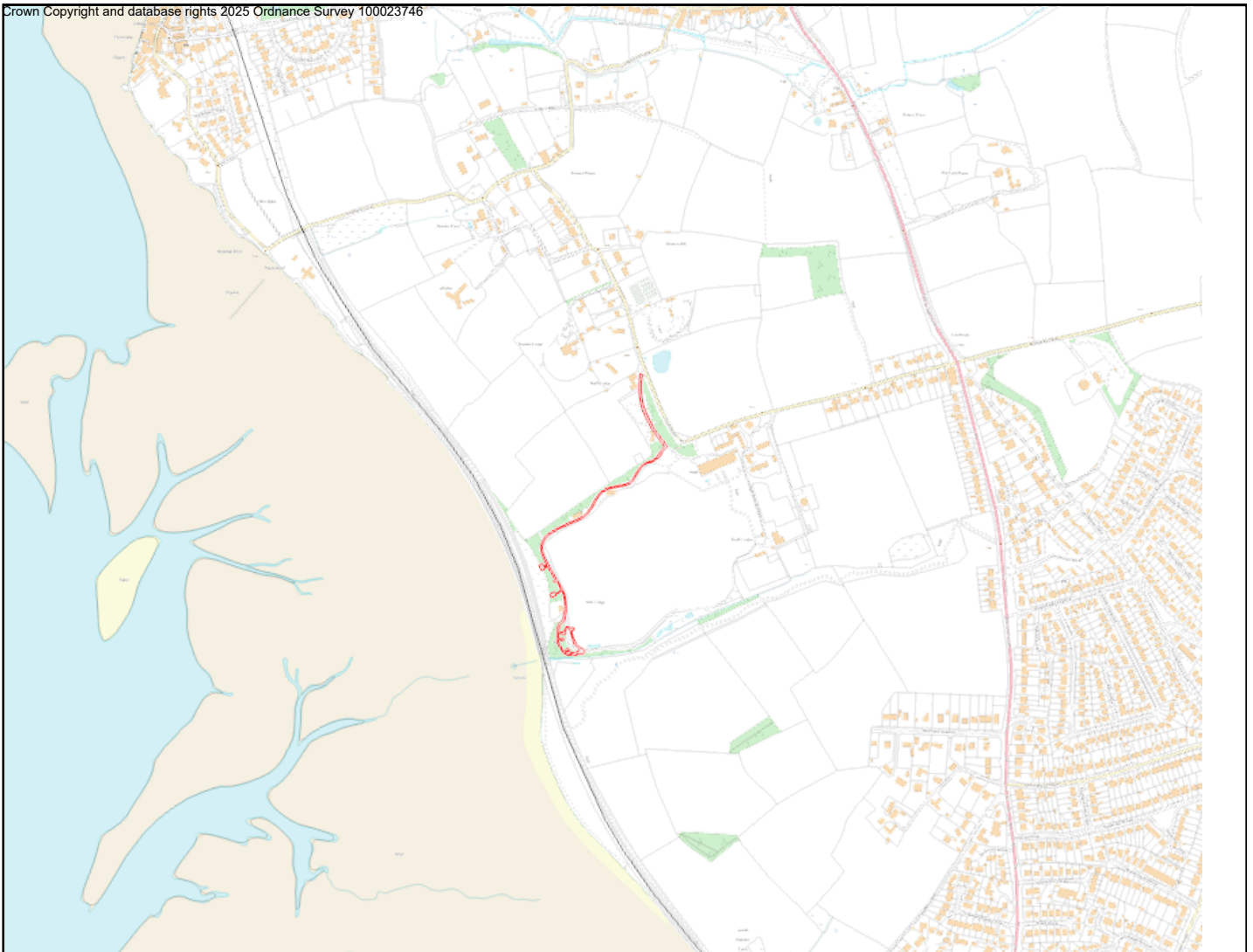
Location Lympstone Manor Hotel Courtlands Lane
Exmouth EX8 3NZ

Proposal Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (partially retrospective application)



RECOMMENDATION: Approval with conditions

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		Committee Date: 22.04.2025
Exmouth Halsdon (Exmouth)	22/2428/FUL	Target Date: 27.12.2022
Applicant:	Mr Michael Caines	
Location:	Lympstone Manor Hotel Courtlands Lane	
Proposal:	Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (partially retrospective application)	

RECOMMENDATION: APPROVAL with conditions

EXECUTIVE SUMMARY

This application is before Members because a contrary view has been expressed by the Ward Member and Parish Council.

The application site is located within the grounds of Lympstone Manor Hotel, a Grade II Listed Building, and seeks (partially retrospective) permission for the siting of six shepherds huts with associated infrastructure and development. It is proposed that one of the units that has been sited adjacent to the boundary of the site is relocated within the grounds, and that decking and some fencing adjacent to the boundary is also removed.

The site is located within a wooded area close to the southwestern boundary of the site, and adjacent to an existing pond.

Some concern has been raised about the visual impact of the development, and its location with the Undeveloped Coast and Coastal Protection Area, however the revised positioning and scale of the development is not considered to have an unacceptable or material impact on this area, such that it could be refused on this basis.

The proposal would result in less than substantial harm to the setting of the heritage asset, however it is considered that the public benefits arising from the provision of additional tourist accommodation making a contribution to the local economy and potential employment opportunities would outweigh this harm.

There are no other technical objections to the proposal, and subject to appropriate conditions the application is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr Andrew Toyé

Objection on environmental grounds. Detrimental to the environmental and visual amenity as it is within a coastal preservation area and an environmentally sensitive area - contrary to policy EN1 of the local plan.

Exmouth Town Council

30/01/24 - Meeting 29.01.24

Objection sustained; the amended plans did not mitigate the concerns previously raised. The development was in a Coastal Preservation Area and a sensitive ecological area, the development was unacceptable to the amenity and environmental qualities for its location, contrary to policy EN1 of the Exmouth Neighbourhood Plan.

Exmouth Town Council

23/11/22 - Meeting 21.11.22

Objection; the revised application did not mitigate previous concerns raised. The Site was located outside the built-up area boundary for Exmouth and in a Coastal Preservation Area. It was a sensitive ecological area, and it was considered that the development was unacceptable to the amenity and environmental qualities for its location, contrary to policy EN1 of the Exmouth Neighbourhood Plan.

Clerk To Lympstone Parish Council

26/01/24 - Lympstone Parish Council supports the improvements to the layout and landscaping of the site. However, LPC note and are concerned that the issues raised in LPCs original objections have not been addressed: lack of any improvement to the sewage infrastructure, ecology (no updated ecology survey), waste management and flood risk.

Lympstone PC would like to highlight the concerns raised in District Cllr Jung recent report in Exmouth Journal www.exmouthjournal.co.uk/news/24043851.east-devon-councillors-discuss-sewage-pipe-bursts-exmouth/

Lympstone Parish Council

22/11/22 - 22/2428/FUL - Erection of 6 no. temporary guest shepherd-hut units with supporting services boiler housings and timber pond boardwalk at Lympstone Manor Hotel.

Recommendation: Object

Lympstone Parish Council objects to the planning application unless the planting and landscaping negates the impact on the area of scientific interest and biodiversity.

Exmouth Littleham - Cllr Brian Bailey

. Many thanks for your message today I take note of your points however this lack of determination is causing great concern

Kind regards Brian

Summary of Technical Consultations (Full Responses in Appendix 1)

Emergency Planning and Business Continuity Officer 04.03.2025

I am non-statutory consultee for planning applications within flood zones 2 and flood zones 3 in East Devon where there is a need for consideration of evacuation, access and egress. My comments relate to the Flood Emergency Plan (FEP) and Flood Risk Assessment (FRA) which have been submitted as part of this application and the description of the access and egress in a design flood scenario. I am supportive of the EA comments that safe access and egress is described and documented in the FEP."

Conservation 02.04.2024

With regards the development, it is considered that it will result in some harm. In line with the NPPF 23, in addition to para 212 as previously stated, the following paragraphs relating to harm are relevant:

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.... Extract

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that in this case the harm is less than substantial.

Conservation 07.02.2024

The submitted information seeks to address the previous concerns raised and detailed comments are set out below:

Shepherd Hut - Beehive: noted that decking removed and set back from wall;

Visibility of Units: changes to decking, re-location of shepherd hut, noted;

Public Use of Units: noted;

Ladies Walk Enhancements & Improvements: it is appreciated that much has been done to improve the Ladies Walk from its previous neglect. However, the introduction of the 6no. shepherds huts is not considered to contribute to this enhancement;

Conclusion: the additional information is noted and the changes to improve the individual shepherds huts. It is also appreciated that the Ladies Walk itself has been improved. However, there is still an overall concern relating to the introduction of the shepherds huts into the landscaped setting of the listed building. In terms of setting it is not considered that they enhance or better reveal its significance (NPPF23 - para 21), although it is acknowledged that the Ladies Walk itself, is now much improved.

DCC Flood Risk Management Team 19.02.2024

I have reviewed the additional information for the above planning application.

The submitted testing appears to demonstrate that infiltration is viable. Could the road be drained into the soakaway?

Does the existing pond have inflows and outflows?

DCC Flood Risk Management Team

27/04/23 - Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should confirm how surface water is managed across the site.

The applicant should also confirm how the pond was formed and whether it has an outfall.

Natural England 23.01.2024

Thank you for your consultation on the above dated 16 January 2024 which was received by Natural England on 16 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

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

Environment Agency 05.02.24

Thank you for re-consulting us on this application. Our position remains unchanged in light of the additional documents submitted (Storm Percolation test and Soakaway design, 'Lady's Walk' improvements, Public Use Statement, Lady's Walk Enhancements - Additional information, Visibility of units from outside of the site, combined plan - Beehive). We take this opportunity to remind your authority that before you determine this application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

I provide a copy of our previous response, detailing the recommended planning conditions below:

Environment Agency position

The proposed development will only be acceptable with regard to the National Planning Policy Framework requirement for development to be safe from flood risk and coastal change if subsequent permission includes conditions to:

- o ensure implementation in line with the submitted flood risk assessment (FRA),
- o be time-limited to 30 years, and
- o restrict occupation of the shepherd-huts when a flood warning is in force.

Environmental Health 16.01.24

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

Other Representations

A total of five representations have been received, 4 raising objections and one neutral, summarised below:

Objections

- Proposal is outside the built-up area boundary for Exmouth
- The site is in the Coastal Preservation Zone
- It is a sensitive ecological area
- Additional noise
- Light pollution
- Additional activity and nuisance
- Additional traffic on nearby lanes
- Visually intrusive
- Increased risk of flooding
- Unnecessary development

Neutral

- Images from the west have not been included with the application

RELEVANT PLANNING HISTORY

Reference Description Decision Date 21/0751/FUL	Siting of six shepherds huts with external decking, 3 boiler houses/log stores, one with decking area, and associated infrastructure (retrospective application)	Withdrawn	09.11.2022
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20/1211/FUL	New swimming pool and pool house, including changing and hospitality area, and external terracing and leisure area	Approved with conditions	29.10.2022
16/2878/VAR	Variation of condition 2 (plans condition) of planning permission granted under reference 14/2946/MFUL (renovation, restoration and extension of Courtlands House Estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant, including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary Cycle Way) to include design alterations to the approved drawings	Approved with conditions	20.12.2017
14/2946/MFUL	Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way.	Approved with conditions	29.07.2025

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 33 (Promotion of Tourism in East Devon)
Strategy 44 (Undeveloped Coast and Coastal Preservation Area)
Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN14 (Control of Pollution)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

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

Exmouth Neighbourhood Plan

EN1 – Development within the Built-up Area Boundary
EN5 – Surface Water
EN6 - Sustainable Urban Drainage Systems
EE1 - Tourism

Lympstone Neighbourhood Plan

OFFICER REPORT

Site Location and Description

The application site comprises an area of land within the grounds of Lympstone Manor, a large Grade II Listed country manor hotel. The hotel is located on the higher land to the east of the estate, with the grounds sloping down to the west towards the Exe Estuary. The house has been substantially altered and extended over the years since its Georgian origins, with extensive and comprehensive redevelopment to the boutique hotel and fine dining restaurant that currently occupies it.

Landscaping within the grounds has been extensive, with a vineyard planted on the central/western slopes, with an outdoor pool and pool house and function area, together with refurbished tennis courts to the south of the hotel, adjacent to former walled garden.

Lympstone Manor lies within the open countryside, between Exmouth and Lympstone. It is accessed from Courtlands Lane, a single carriageway road that extends to the east to link to the A376 Exeter to Exmouth Road.

The site is located towards the western boundary of the estate, close to the boundary brick wall and meadow beyond, which abuts a boardwalk section of the Exe Estuary Cycle Trail. The river Exe lies to the west of the cycle trail. The site is within a Coastal Preservation Area as defined in the Local Plan

Background

The shepherd huts are sited within a woodland area to the east of the estate. They were installed without the benefit of planning permission and the application for their retention submitted in 2001 (21/0751/FUL) raised a number of landscape, visual, heritage and flood risk concerns, both in terms of siting and the installation of external paraphernalia. This application was subsequently withdrawn and further negotiations various site meetings and alternative proposals have been explored. The application now being considered seeks to overcome these concerns. In essence the alterations to the proposal now being considered include the relocation of one of the units and its boiler housing, removal and reduction in height of decking, removal of boundary fencing, and the installation of a boardwalk and accessible trail extending around the pond.

Proposed Development

Planning permission is sought for the retention of five shepherd's huts, and the alternative siting of a sixth, together with boiler housing, decking and associated development.

The huts are located within a woodland area on the western boundary of the site with three on the eastern side of a pond, which is located adjacent to the edge of the vineyard which occupies most of the central part of the hotel's grounds. The relocated hut is positioned on the southern edge of the pond. The other two are located to the north of a property known as West Lodge which was one of the lodge buildings associated with the main house.

Access to the huts is taken from a circular route, known as Lady's Walk, which meanders around the edge of the estate, with parking for visitors' cars within the main car park of the hotel. It is possible to drive to the huts from the Lady's Walk to the north for dropping off of visitors and luggage, but no parking is proposed adjacent to the huts.

The shepherds huts comprise modest double units measuring around 5.5m in length by 4.4m in width and sleeping 2 people. Each hut is supported on wheels with a double curved corrugated steel roof, with an overall height of 3.6m above ground level. The external walls are clad in horizontal natural timber cladding with timber windows and doors. Externally each of the huts has a private decking area. A boardwalk has been created around the newly formed pond with access from the Lady's Walk and into the vineyard.

CONSIDERATION AND ASSESSMENT

The main issues to be considered in the determination of this application relate to the principle of the development, the design, scale and siting; landscape impact and any impact on the listed building and heritage assets; trees; flood risk, highway safety and parking, or on residential or other amenity.

Principle of the Development

The principle of the development is supported within the Local Plan through Strategy 7 and Strategy 33. Strategy 33 states that the Council will support and facilitate tourism within East Devon and high-quality year-round tourism that is responsive to changing visitor demands. Since the outbreak of Covid 19 there has been a growth in the demand for independent holiday accommodation, which the shepherds huts offer, although visitors have the choice of being fully serviced by the hotel and have access to the restaurant and other leisure facilities which the estate offers. Strategy 7 is an overarching strategy which states that development in the countryside would be resisted unless there is a specific policy within the Local Plan or neighbourhood plan which supports the proposal.

Policy E5 (Small Scale Economic Development in Rural Areas) supports the expansion of existing businesses designed to provide jobs for local people, subject to a number of criteria including the provision of a safe highway access, no detriment to the amenities of neighbouring properties, wildlife, landscape or historic interests.

Additionally there is support in the Exmouth Neighbourhood Plan for the promotion of tourism to maintain a vibrant visitor and business environment. Policy EE1 - Tourism states that proposals for tourist facilities and holiday accommodation in the Exmouth Neighbourhood Plan area will be supported in order to boost the local economy and enhance the promotion and development of the area as a suitable holiday destination.

The above is echoed in the NPPF23 with Paragraph 88 stating that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas...and sustainable rural tourism and leisure developments which respect the character of the countryside.

The proposed development is considered to represent the expansion and consolidation of an existing rural business and promoting local tourism which is supported by local and national planning policy.

Design, Scale and Setting

Substantial landscaping, planting and woodland management has been undertaken within the grounds of the hotel, and particularly along the southern and eastern side of the gardens and the circular 'Lady's Walk' and whilst the huts and associated development is visible within the grounds of the hotel, they are seen against and within the woodland area. Whilst they are clearly not a natural feature, it is not considered that they appear visually discordant or incongruous in this location.

The shepherd huts are modest structures, having a floor area of around 24 square metres, supported on wheels with a double curved corrugated steel roof, with an overall height of 3.6m. Glimpsed views can be had of some of the huts from the Exe Estuary Cycle Trail to the west of the site, from which, with the amended siting and removal of the fencing/decking, they are not considered to be visually intrusive or prominent within the wider landscape.

The application site is within the Undeveloped Coast and Coastal Preservation Area which Strategy 44 applies. This strategy seeks to protect sites from development which would damage the undeveloped/open status of the designated area. Whilst the site lies within this area, the modest and temporary nature of the shepherd huts, and their positioning is not considered to represent any perceived or real threat to the open character of this area such that it would conflict with Strategy 44.

Heritage Impact

Concerns have been raised about the impact of the siting of the huts on the setting of Lympstone Manor, and in particular the setting of the Lady's Walk, a circular walk around the perimeter of the estate.

The southern part of the walk, leading from the front of the house, past the new swimming pool and refurbished tennis courts, around the vineyard, and extending to the western boundary of the site has been extensively refurbished, with new surfacing, planting and the formation of a sculpture trail providing both visual and educational interest. Access for hotel visitors to the cycle trail is also provided in the south western corner through a private gateway. This area is considered to be most attractive to visitors and hotel guests, and has been restored to its former landscape character.

However beyond West Lodge, which is in separate ownership, and the shepherd huts the character of the Lady's Walk has been substantially altered, with a tarmac service driveway extending beyond the huts to the maintenance shed, staff accommodation and service buildings, together with parking areas forming the northern boundary of the site.

Whilst guests can complete the walk, the pleasant and tranquil character of the southern part of the estate has been eroded from the northern half of the walk.

The Conservation Officer considers that the setting of the hotel has already been diminished by other development on the site and alterations to the landscape setting. The alterations to the northern part of the walk, including the service accommodation blocks and the resurfacing and parking within this part of the walk are not identified and do not appear to have been taken into account when stating the harm to the Lady's Walk that has been identified. Overall the harm arising from the siting of the huts on the setting of the heritage asset is identified as less than substantial and that any harm could be further mitigated by the revised proposals.

Whilst recognising that any development will have some impact on the listed building's setting, this is considered to result in less than substantial harm and that subject to appropriate conditions the identified harm can be appropriately mitigated such that the

retention of the huts and associated works will have a minimal impact on the setting of the heritage asset.

However, under NPPF24 paragraph 215 this harm to a designated heritage asset also has to be balanced against the public benefits of the proposal. The public benefits here relate to the provision of alternative accommodation to that currently available within the main hotel, with visitors also having the opportunity to use the leisure opportunities and facilities at the hotel. The revenue from the additional accommodation will help to ensure the long term viable use of the heritage asset, and the local economic growth, providing employment and additional visitors to the surrounding towns and villages and supporting a prosperous rural economy as encouraged by NPPF paragraphs 88 and 89.

The support for the local economy is considered to weigh heavily in support of the proposal and subject to appropriate landscaping and detailing it is concluded that the public benefits of the proposed facilities outweigh the limited harm to the listed buildings setting, which results in a less than substantial impact to its significance.

Trees

The application site is located within a well treed area of the estate, and the siting and position of the units has been the subject of discussions with the Councils Arboricultural Officer, who whilst not providing a formal response, has indicated that they are satisfied that the development will not have a detrimental impact on existing trees.

Flood Risk and Drainage

The application site lies within an area identified as being floodzone 2/3 and at risk of tidal flooding although it is recognised that flood warnings can be provided with sufficient lead time to allow for the evacuation of the huts should that prove necessary and that the boardwalk would provide a safe access and egress. In considering the occupation of the shepherd huts the Environment Agency (EA) considers that they should not be occupied when flood warnings are in place, and that due to future uncertainty over climate change their siting should be for a 30 year temporary period.

Notwithstanding the above, paragraph 176 of the NPPF24 requires that a sequential test should be applied in cases of a change of use of land to a caravan, camping or chalet site. The sequential test in respect of planning applications is defined by local circumstances relating to the catchment area for the type of development proposed. In this instance part of the need for the development is to ensure the continuing preservation and enhancement of Lympstone Manor as a heritage asset. On this basis the catchment area for the location of the development is, by its nature, considered to be very limited. The siting of the huts in another part of the district, or outside land within the ownership or control of the hotel would not provide any benefit to the identified heritage asset whose future protection is being sought. With the above in mind, it is considered to be reasonable, in this specific instance, to limit the search to that of the Lympstone Manor Estate.

Following on from the identification of the catchment area it is necessary to assess whether it is possible to locate the development within an area identified as being at low risk of flooding. Most of the estate falls within this category due to the rising land from the west of the site up to the hotel. Within this area, however, it is not considered that there are any suitable sites for the siting of the huts due to the existing development on the site, including the main hotel, leisure facilities, service buildings and the large central vineyard occupying much of open rising land to the centre of the estate.

In considering the siting of the shepherds huts a number of alternative positions within the grounds were considered, but not found to be suitable or available, having regard to the constraints identified above, and impact on the identified heritage asset. Given the very specific nature of the proposal, it was not considered to be necessary to extend the search beyond that within the control of the estate. The site has been assessed through a site-specific flood risk assessment which has provided sufficient information and mitigation to ensure that the Environment Agency offer no objections to the proposal.

The proposed siting, is therefore identified as the only position available for the development and therefore satisfies the provisions of the Sequential Test. Following this it is necessary to consider whether the Exceptions Test can be satisfied.

The Exception Test requires two additional elements to be satisfied before allowing development to be permitted in situations where suitable sites at lower risk of flooding are not available following the application of the sequential test. Firstly, the development will provide wider sustainability benefits to the community that outweigh flood risk, and secondly that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

In this instance wider sustainability benefits include the contribution to the local tourist economy, employment generation and contribution towards the future protection of the heritage asset.

The nature of the shepherds huts is such that they are considered to be temporary buildings, with a limited life span, typically around 30 years, and as such it is considered that this, with the agreement of the Environment Agency, should be the measure for an assessment for the 'lifetime' of the development.

The proposal has been the subject of a robust site specific flood risk assessment, which has been scrutinised and found to be acceptable by the Environment Agency, providing protection from flooding, both now and future proofed against climate change predictions. A number of safety measures are proposed including the adoption of a Flood Management and Evacuation Plan whereby flood warnings will be received from the EA and a proprietary flood warning system measuring in situ tide levels in real time. The hotel will sign up to the EA Early Warning System which will notify and enact the Evacuation Plan. The management and staff will have full knowledge of the flood management and evacuation plan which will be provided within each of the shepherd huts. These arrangements have been considered by the Council's Emergency

Planning and Business Continuity Officer and the Flood Management and Evacuation Plan found to be acceptable.

The benefits of the development have been balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors have been considered and the development, as an additional attraction to the existing hotel and leisure complex makes a significant and positive financial contribution not only to the operation of Lympstone Manor, but to the wider tourist economy. Given the 'temporary' nature of the buildings it is considered reasonable to condition the siting of the shepherds huts to a limited time period to reflect this.

Highway Safety and Parking

The introduction of additional holiday accommodation on the site will attract additional visitor numbers and associated vehicular activity on the site, although this is considered to be relatively modest when considered against the existing traffic attracted to the site and is not considered to present any highway safety issues.

No parking areas are proposed within the vicinity of the huts, with visitors parking within the main hotel car parks and being taken to the shepherds huts by golf trolleys, or other internal transport.

Residential Amenity

The nearest residential property, West Lodge, is located to the north of the shepherd's huts. The occupation of the units will, inevitably, increase activity within the area which has the potential to create additional noise and disturbance for residents of that property. Having said this the number and size of the units is considered to effectively limit any loss of amenity. Parking is provided within the service area to the north of the site, further minimising any loss of amenity through traffic noise. Overall the scale and nature of the development is considered to be such that any potential impact on residential amenity would be acceptable such that the proposal would accord with the provisions of Policy D1 of the Local Plan.

Appropriate 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.

CONCLUSION

The siting of the shepherds huts, albeit partially retrospective, is considered to be acceptable in policy terms, helping to secure the long term viability of the heritage asset, providing additional tourist accommodation and contributing towards the local economy, and the public benefits accruing from this would outweigh the less than substantial harm to the setting of Lympstone Manor (Grade II heritage asset). Subject to appropriate conditions to ensure the repositioning of the 'Foxden' unit, and the other proposed works to remove/reposition fencing and decking, and other conditions, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Within 3 months of the date of this decision the shepherd hut known as 'Foxden' together with associated boiler housing and log store shall be repositioned in accordance with the details indicated on Drawing No.247-AA(--X)004 (Proposed Site Plan).
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
2. Within 3 months of the date of this decision the removal and reconfiguration of the decking associated with the shepherd hut known as 'Beehive' shall be undertaken in accordance with the details indicated on Drawing No. 247 – AA (-) 001 Rev. A (Shepherd Hut 01 – Beehive)
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
3. The permission hereby granted shall be limited to a period of 30 years from the date of this decision notice. The use hereby permitted shall be discontinued and all development and materials associated with it shall be removed and the land restored to its former condition within 3 months of the use ceasing in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - To account for increased flood risks from climate change consistent with Planning Practice Guidance paragraph 7-050-20220825 and to ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy

Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

4. 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.)
5. Notwithstanding the submitted details, within 3 months of the date of this decision, a lighting scheme shall be provided for the site which complies with the requirement of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No other external lighting shall be provided or retained within the application site.
(Reason - To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and advice contained in Paragraph 180 of the National Planning Policy Framework).
6. Development in accordance with the flood risk assessment
The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).
(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)
7. Restriction on occupation (flood warnings)
The shepherd-hut units hereby approved shall be occupied only in accordance with the requirements and measures identified in the Flood Evacuation Plan, submitted by Airey and Coles, document reference 11412-A&C-XX-XX-RP-C-FEP-0001 and must not be occupied when Environment Agency flood warnings are in force.
(Reason: To ensure that risk to people and property from flooding is minimised and in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031).
8. Holiday use
The development hereby approved shall be for the siting of up to six shepherds huts only as indicated on the Shepherds Huts Site Plan (drawing no. 247 – AA(-)-003). The accommodation shall be occupied for holiday purposes only and operated in conjunction with and ancillary to Lympstone Manor Hotel and shall not be used for permanent residential accommodation. A register (including names and main addresses, arrival date and departure date) of all visitors to the site shall be collated and maintained by persons responsible for the management of the site, and this information shall be available to the Local Planning Authority upon request.
(Reason - The development is only permitted for holiday use as the benefits of such use are considered to outweigh the harm arising from the unsustainable

location of the site, in accordance with Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan, as well as guidance contained within the National Planning Policy Framework.

9. Parking

Notwithstanding the submitted details no parking of visitor vehicles shall take place within the vicinity of the shepherds huts as detailed on the submitted site plan (Drawing No. 247 – AA(--))03).

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

20022 P52.02	Other Plans	01.11.22
REV D :		
proposed below		
ground drainage		
247-2_P(--))1000	Location Plan	01.11.22
247-AA(--))003 :	Proposed Site Plan	01.11.22
shepherds huts		
247-AA(--))004	Proposed Site Plan	01.11.22
247-P(--)) 14 :	Proposed Elevation	06.04.23
Shepherds		
Huts_5 Hares		
Rest		
247-P(--)) 06 :	Layout	06.04.23
Shepherds		
Huts_6 Badgers		
Set		
247-P(--)) 13 :	Proposed Elevation	06.04.23
Shepherds		
Huts_4 Otters		
Holt		
247-P(--)) 15 :	Proposed Elevation	06.04.23
Shepherds		
Huts_6 Badgers		
Set		
247-P(--)) 04 :	Layout	06.04.23

Shepherds Huts_4 Otters Holt		
247-P(--) boiler housing 3	09 : Other Plans	06.04.23
247-P(--) Shepherds Huts_2 Hedgehog	11 : Proposed Elevation	06.04.23
247-P(--) Shepherds Huts_3 Foxden floor	03 : Layout	06.04.23
247-P(--) Shepherds Huts_5 Hares Rest floor	05 : Layout	06.04.23
247-P(--) boiler housing 1	07 : Other Plans	06.04.23
247-P(--) boiler housing 2	08 : Other Plans	06.04.23
247-P(--) Shepherds Huts_1 Beehive	10 : Proposed Elevation	06.04.23
247-P(--) Shepherds Huts_3 Foxden	12 : Proposed Elevation	06.04.23
247-P(--) Shepherds Huts_2 Hedgehog	02 : Layout	06.04.23
247_AA(-) Rev A: Shepherds Hut/Beehive	001 Additional Information	15.01.24

List of Background Papers

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

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemptions 1 from the list below are considered to apply:

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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.

APPENDIX 1 – Technical Consultation Responses in Full

Natural England

23/01/24 - Thank you for your consultation on the above dated 16 January 2024 which was received by Natural England on 16 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

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

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

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

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

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

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's

conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other Protected Sites

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annexe A uploaded separately under documents tab

Environment Agency 05.02.24

Thank you for re-consulting us on this application. Our position remains unchanged in light of the additional documents submitted (Storm Percolation test and Soakaway design, 'Lady's Walk' improvements, Public Use Statement, Lady's Walk Enhancements - Additional information, Visibility of units from outside of the site, combined plan - Beehive). We take this opportunity to remind your authority that before you determine this application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

I provide a copy of our previous response, detailing the recommended planning conditions below:

Environment Agency position

The proposed development will only be acceptable with regard to the National Planning Policy Framework requirement for development to be safe from flood risk and coastal change if subsequent permission includes conditions to:

- o ensure implementation in line with the submitted flood risk assessment (FRA),
- o be time-limited to 30 years, and
- o restrict occupation of the shepherd-huts when a flood warning is in force.

Our recommended conditions, along with comments to support our position are set out below.

Condition - Development in accordance with the flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition - Time limited development (climate change flood risk)

This development shall only be approved for a limited development lifetime of 30 years from the date the permission is implemented.

Reason: To account for increased flood risks from climate change consistent with Planning Practice Guidance paragraph 7-050-20220825

Condition - Restriction on occupation (flood warnings)

The shepherd-hut units must not be occupied when Environment Agency flood warnings are in force.

Reason: To ensure that risk to people and property from flooding is minimised.

Notes on recommended conditions

With regard to time-limiting development to 30 years, current climate change scenarios set out within the FRA demonstrate that the site will be safe in the design flood event up to the year 2060. After this time sea level projections indicate that this site will be at risk of flooding and unsafe for occupants during the 1 in 200 tidal flood event.

Once this time-limited development has lapsed planning permission must be re-applied for.

The condition restricting occupation of the shepherd huts when a flood warning for the area has been issued is required there is no freeboard from the proposed flood level to the finished floor levels which the Environment Agency usually recommends against due to other site constraints. By ensuring that the shepherd huts are unoccupied should flooding occur an extra level of safety will be in place to account for the lack of design freeboard and to keep occupants safe.

The main source of flood risk in this location is tidal therefore flood warnings can in most instances be provided with sufficient lead time to allow for evacuation of shepherd huts.

Other comments

While the finished floor levels are raised above the relative 1 in 200-year flood up to the year 2060, safe access and egress has been provided and demonstrated within the FRA. Should flooding to the design flood level occur, occupants of the huts will be able to safely evacuate on the proposed boardwalk which has a proposed level of minimum 4.03mAOD. This boardwalk is essential for safe access and egress.

The FRA also states in section 6.1 that an evacuation plan will be produced with the hotel signed up to EA flood warnings. We recommend that this flood evacuation plan is refreshed every year to ensure staff are familiar with the procedures.

Please contact us again if you require any further advice.

Environment Agency

Environment Agency position

Following review of the additional plans submitted, we advise that our position and advice remains unchanged from our previous letter dated 23rd November 2022. We maintain our position that the proposed development will only be acceptable if any subsequent permission includes conditions relating to the management of flood risk and safety of the occupants. The contents of the previous response are copied below:

"Our recommended conditions, along with comments to support our position are set out below.

Condition - Development in accordance with the flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment (Ref. 26/10/22/ 11412-A&C-XX-XX-C-FRA.DS01/SC) and the mitigation measures it details; including that Finished floor levels shall be set no lower than 4.03 metres Above Ordnance Datum (AOD).

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With regard to time-limiting development to 30 years, current climate change scenarios set out within the FRA demonstrate that the site will be safe in the design flood event up to the year 2060. After this time sea level projections indicate that this site will be at risk of flooding and unsafe for occupants during the 1 in 200 tidal flood event.

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The condition restricting occupation of the shepherd huts when a flood warning for the area has been issued is required there is no freeboard from the proposed flood level to the finished floor levels which the Environment Agency usually recommends against due to other site constraints. By ensuring that the shepherd huts are unoccupied should flooding occur an extra level of safety will be in place to account for the lack of design freeboard and to keep occupants safe.

The main source of flood risk in this location is tidal therefore flood warnings can in most instances be provided with sufficient lead time to allow for evacuation of shepherd huts.

Other comments

While the finished floor levels are raised above the relative 1 in 200-year flood up to the year 2060, safe access and egress has been provided and demonstrated within the FRA. Should flooding to the design flood level occur, occupants of the huts will be

able to safely evacuate on the proposed boardwalk which has a proposed level of minimum 4.03mAOD. This boardwalk is essential for safe access and egress.

The FRA also states in section 6.1 that an evacuation plan will be produced with the hotel signed up to EA flood warnings. We recommend that this flood evacuation plan is refreshed every year to ensure staff are familiar with the procedures."

Please contact us again if you require any further advice or if you wish to discuss the contents of this letter.

DCC Flood Risk Management Team

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should confirm how surface water is managed across the site. The applicant should also confirm how the pond was formed and whether it has an outfall.

DCC Flood Risk Management Team

I have reviewed the additional information for the above planning application.

The submitted testing appears to demonstrate that infiltration is viable. Could the road be drained into the soakaway?

Does the existing pond have inflows and outflows?

Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Lymptone Manor Hotel, Courtlands Lane, Exmouth

GRADE: II APPLICATION NO: 22/2428/FUL

Devon Gazetteer of Parks and Gardens of Local Historic Interest

PROPOSAL: Erection of 6 no. temporary guest shepherd-hut units with supporting services boiler housings and timber pond boardwalk (Retention of)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. Photos on I Drive.

The gardens are not included on the National Register of Parks & gardens but they are of local importance and included on the Devon Gazetteer.

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

A mile long walk, known as The Lady's Walk, winds through a leafy glade past ponds and through the formal gardens. This is shown on the historic OS and current maps, which encircles the parkland and runs beside the river. The article by Helen Whitmore describes the gardens and Lady's Walk in considerable detail.

A recent application under 21/0751/FUL was withdrawn.

This application seeks approval for the siting of 6no. shepherds huts with decking, boiler housing, log stores and other associated paraphernalia. These are already in situ and are located to the south west of the 'Manor' and within the woodland which formed part of the original Lady's Walk. The Statement of Significance, originally written in January 2015 has been submitted to accompany this application. The Addendum dated March 2021, submitted with the previous application appears to have been omitted. It contained the following paragraph:

5.1.3 Lady's Walk is another important part of the historical landscape setting. It remains of value to the interpretation of the former garden design and is significant'.

In addition the original Statement (para 1.0.5) recognises the importance of 'preserving and enhancing the characteristics which contribute to the estuary setting, the urban gap between Exmouth and Lympstone and the heritage value of the house and grounds'. More detail relating to the significance of the gardens is included in the Executive Summary paras 1.0.6 - 1.0.11. The document also describes the Lady's Walk in more detail (3.013). Finally, a summary of the setting (garden) and its heritage significance is provided in Section 8.1.

There is no doubt, confirmed by the original Statement of Significance and Addendum that the Lady's Walk is part of the historic landscape setting of the House and that it therefore contributes to the setting of the heritage asset and is significant in itself.

A revised Heritage Statement has also been submitted, in conjunction with a Visual Overview and a Design & Access Statement.

The shepherds huts and associated structures have been located to the west of the Lady's Walk, to the north and south of West Lodge, at the bottom of the slope and are partially screened by the existing woodland, vegetation and the stone/brick boundary wall, running along the western boundary. From the grassed area to the west of this boundary wall between the new cycle track/pedestrian footway and railway they can be seen as prominent structures above the existing wall. The shepherds huts can also be seen from other viewpoints along the walk and from the grassed terraces and seating areas in front of the House (see photographs on IDrive & Visual Overview).

To address the concerns previously raised Foxden - Hut No. 3, including the boiler house have been re-located to the group around the pond and safety boardwalk around the ecology pond.

However, Beehive - Hut No. 1 appears now to be shown on the Shepherds Hut Site Plan right up against the boundary wall, rather than the previously amended Site plan under 21/0751/FUL. There is therefore concern relating to the longterm care, repair and maintenance of the historic boundary. It is noted in the Heritage Statement (p.14) that the fences are to be removed and decking reduced, but this is not apparent on plan.

Now grouped in two distinct areas - West Group & East Group (including the re-located Foxden), together they still form an incongruous collection of structures out of keeping with the concept of the Lady's Walk - gentle walking, a place for contemplation, water features (ponds), specimen trees and planting providing colour, scent and seasonal change, The Cottage (now West Lodge), a halfway point, possibly for resting or shelter, and even privacy. This structural element of the garden is of particular significance and the introduction of the new structures interrupts, not only the visual appearance of the walk and the wider garden and views, but also the experience and appreciation of the walk. They are an intrusion within the landscaped setting and detract from the character, appearance and significance of this setting and its contribution to the overall visual relationship between the house and the planned landscaped gardens.

Due to its raised location above the river with a sloping gradient, the House can be seen from the new cycle track/pedestrian footway when viewed from the west and from the railway line. There are also more private views within the grounds of the House, experienced by visitors to the Hotel. These views as indicated in the Statement are 'impressive', both towards and from the House.

The proposals still seem to be at odds with the status of the site and its heritage value and the impact of any future development as outlined in 4.0.3 of the original Statement of Significance.

Much has been made of the quality of the huts, the materials etc and the works to improve the surrounding landscape. It is noted that the huts are visible from key points and views within and outside the Estate, but that over time these might 'harmonise' with the woodland belt and that over time landscaping and 'silvering' of the structures might help to reduce this impact.

It is agreed that the harm to the heritage asset could be partially mitigated by the measures suggested in the revised proposals. However, this does not alter the fact that had this application had the benefit of pre-application advice it is unlikely that it would have received overall support for the siting of shepherds huts within the grounds of the listed building, contrary to the contribution of the setting to the significance of the principal building. It is worth mentioning that the setting of the Hotel has been diminished over time, and that the presence of the shepherds huts further diminishes this planned landscape, again reducing the distinctive character and appearance of the grounds, and in effect losing further reference to its 'former grandeur'.

It is considered that the proposals do result in some harm to the Lady's Walk, its appearance and how it is experienced. This area does not necessarily require 'enlivenment' to improve the setting. It is not agreed that they enrich the wider landscape.

The shepherds huts and associated structures in terms of their location, appearance and construction, are an incongruous feature which impacts on the character, appearance, and significance of the Lady's Walk, the wider landscaped setting of the listed building.

They are an unfortunate addition to the gardens and result in harm to the significance of the setting of the listed building, contrary to Para 206 of the NPPF 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance....'

PROPOSAL UNACCEPTABLE

KBH
19/01/23