

**Ward** Newbridges

**Reference** 24/2290/FUL

**Applicant** Will Hallett

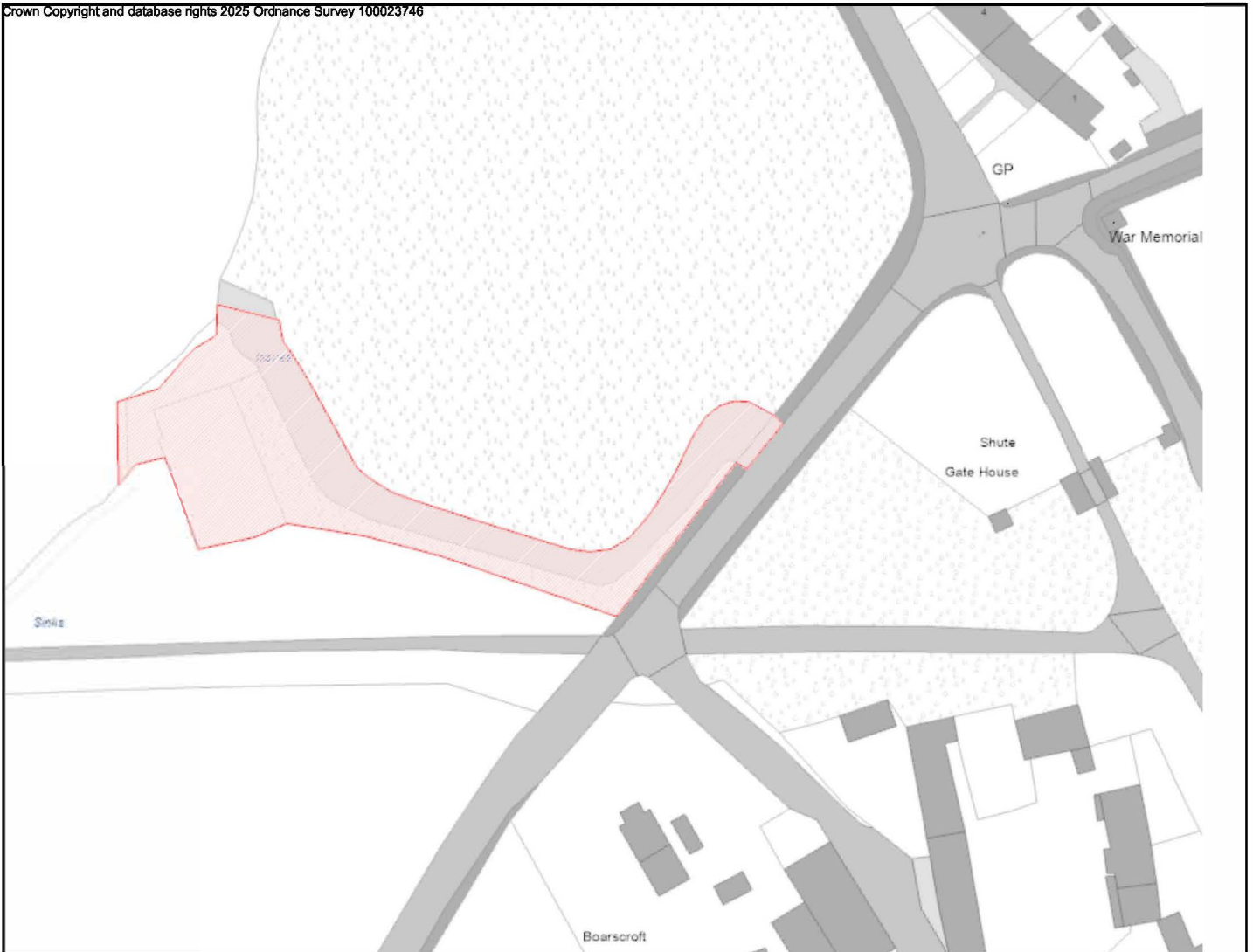
**Location** Land Adjacent Grove Cottage Shute

**Proposal** Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works



**RECOMMENDATION: ADOPT the Appropriate Assessment and REFUSE**

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		<b>Committee Date: 15.07.2025</b>
<b>Newbridges (Shute)</b>	<b>24/2290/FUL</b>	<b>Target Date: 25.12.2024</b>
<b>Applicant:</b>	<b>Will Hallett</b>	
<b>Location:</b>	<b>Land Adjacent Grove Cottage Shute</b>	
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#### **EXECUTIVE SUMMARY**

**This application is presented to the Planning Committee as the officer recommendation of refusal is contrary to the view of the ward member.**

**This application seeks full planning permission for a new three-bedroom dwelling to be constructed within the footprint of the remaining walls of a ruined mid-Victorian stone building. While the new structure would be built adjacent to and in some places abutting the existing walls, it would be entirely self-supporting and would not rely on the old walls for structural integrity.**

**The proposal conflicts with Policy D8 of the East Devon Local Plan, which requires rural buildings to be structurally sound and capable of conversion without substantial rebuilding. The extent of new construction does not amount to a conversion and exceeds what is permissible under this policy. It also fails to meet paragraph 84 of the National Planning Policy Framework (NPPF), as it does not represent the optimal viable use of a heritage asset or enhance its setting.**

**The site is in an unsustainable location with limited access to services and public transport, leading to a reliance on private vehicles. This contravenes local and national policies promoting sustainable development.**

**The development would harm the setting of the Grade I listed Shute Gatehouse, introducing residential activity into a historically sensitive rural landscape. It would also detract from the scenic qualities of the East Devon National Landscape (AONB).**

**Additionally, the site lies within the consultation zone of the Beer Quarry and Caves SAC, a protected bat habitat. In the absence of a sensitive lighting scheme, adverse effects on the SAC cannot be ruled out.**

**Given these significant policy conflicts and environmental impacts, the application does not benefit from the presumption in favour of sustainable development and is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Newbridges - Cllr Iain Chubb

This application to reuse the old building is proposed in a way that is sympathetic within its surroundings. The change of use is required to ensure the structure's future sustainability, repair and protection. Whilst providing an essential home and workplace for a local resident.

Reuse and adapting the historic building for a more useful purpose will contribute positively to the building's history and benefit the local environment.

I feel this is a very creative use of the current structure that will just decay and collapse if not reused.

I therefore fully support this application.

#### Parish/Town Council

The Council had no objections to this application but wanted the following comments to be noted.

The members were concerned that the building works within them may affect the stability of the existing walls during excavations etc.

The Council also want to ensure the safeguarding of the Victorian soakaway from any effects of the construction works. This is in the paddock above the proposed building and serves the Beagles Row cottages in Shute,

The members noted that the works should be undertaken within the normal working hours regulations to prevent undue disturbance to local residents.

Some screening with trees/hedging to the north would further reduce the visual impact and provide additional habitat for wildlife.

#### Other Representations

The National Trust (owner of Shute Barton) and one other commenter object to the proposed development for several reasons:

- Heritage and Visual Impact: The site is within the East Devon National Landscape (AONB) and near the Grade I listed Shute Barton Gatehouse. The

proposal would harm the setting and significance of heritage assets and erode the scenic qualities of the area.

- Policy Non-Compliance: The proposal is contrary to the East Devon Local Plan and national planning policy. It is on a greenfield site and lacks a Landscape and Visual Impact Assessment.
- Inappropriate Location: The site is not well-related to Shute village, which lacks sufficient facilities and does not have a Built-up Area Boundary, making it unsuitable for additional residential development.
- Conflict with Strategy 7: The proposal does not align with Strategy 7 of the local plan, which restricts development in the countryside unless explicitly permitted by specific policies and without harming the landscape.
- Historical Context: The site no longer has permanent structures and cannot be considered previously-developed land. The remaining walls have low to negligible heritage significance.
- Sustainability: The site is remote, lacks facilities, and would rely on private cars, making it unsustainable and contrary to spatial policies.
- Design Quality: The proposed design is not outstanding or innovative as required by paragraph 139 of the NPPF. It is conventional and does not meet high standards.

Two neutral comments include requests for:

- minimizing construction-related eyesores,
- higher hedges and additional native trees for screening,
- maintaining only three skylights facing neighbouring properties,
- minimal exterior lighting,
- limiting construction to normal working hours,
- protecting the integrity of the original stone wall,
- removal of debris and an abandoned caravan, and
- the use of high-quality natural slate for the roof.

### **Technical Consultations**

#### **Natural England**

26/11/2024 - No objection.

23/01/2025 - Natural England concurs with the assessment that the proposal may adversely affect the integrity of European sites. The proposal lacks sufficient information to rule out adverse effects.

#### **EDDC Trees**

21/11/2024 - I have reviewed the submitted plans for a new dwelling and access arrangements on the site. I note from our aerial images that it appears there is a group of trees that lines the southern boundary of the site, however no tree survey or arboricultural information has been submitted to support the application.

Can the applicant provide a tree survey and arboricultural impact assessment in accordance with BS5837, to ensure the trees on or near the boundary of the site are duly considered?

17/04/2025 - The revised tree protection details prepared by Swan Paul look to be acceptable.

If the application is approved I recommend a condition is applied that requires adherence to the submitted tree protection plan.

### Historic England

23/01/2025 - Summary of advice:

Shute features a group of high-status historic buildings, including the grade I listed Old Shute House and Jacobean gatehouse, and the grade II\* listed Shute House. The barn in question is a ruinous structure that contributes to the rural setting of the gatehouse.

The proposed development involves building within the historic barn walls. Concerns include the use of slate hanging and rooflights, which may introduce modern elements and light spill. Details on garden, drive, and entranceways are limited, potentially leading to conspicuous additions.

The residential development could impact the rural character and views from the grade I listed gatehouse. The council must ensure the development does not adversely affect the site's character or intensify its use.

Historic England has concerns about the heritage impact and advises addressing these issues to meet NPPF requirements. The council should consider amendments and further information to preserve the site's historic significance.

25/02/2025 – Summary of advice:

Historic England has reviewed the amended proposals. Their primary concern remains the potential impact of the proposed development on the setting of the Grade I listed Shute Gatehouse, a key heritage asset within the historic Shute estate.

In a previous letter dated 23 January 2025, Historic England expressed concerns about the introduction of a conspicuous and overly domestic structure within the Gatehouse's setting, and the potential adverse effects of residential use on the character and experience of the site.

The latest amendments to the application—such as the removal of roof lights and additional landscaping and driveway design details—are acknowledged as improvements that help reduce the visual impact of the development. However, Historic England maintains that the introduction of residential use would still result in a greater intensification of activity, which could negatively affect the rural and historic setting of the Gatehouse.

They advise that the local authority must be confident that such intensification can be managed without causing harm to the heritage asset's setting. The concerns raised relate specifically to the experience and appreciation of the Gatehouse within its landscape context.

Historic England concludes that the application raises heritage concerns, particularly in relation to the intensification of use. They recommend that the council ensure the proposal complies with paragraph 219 of the National Planning Policy Framework (NPPF) and the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to preserving the setting of listed buildings.

They encourage the council to seek further amendments, safeguards, or information as necessary, and invite further consultation should the proposals change materially.

## Conservation

01/04/2025 - In summary, the proposed development albeit within an existing ruin of a former crib house or barn, would on account of the value now attributed to evolved character associated with the west of the village, fail to preserve the visual contribution this underdeveloped agricultural landscape makes to the setting of Grade I Shute Gatehouse and surrounding listed buildings, and to a lesser extent result in less than substantial harm to the significance of these heritage assets.

09/04/2025 - I am of the view that the existing built planform / ruin does hold historic value through its association with Shute estate, however the visual or aesthetic value is now limited to a scar on the landscape, with its former historic functional use interpreted though Tithe Map and OS Mapping. Whilst it is acknowledged the built planform / ruin does hold an element of heritage value, on balance this value is mostly found through its interpretation as a former crib house / barn, within the landscape formerly associated with Shute estate.

In context of the current planning application, the built planform / ruin in its current form is considered to enhance the experience of the wider setting of Shute village, which together with the open character of the existing landscape makes a valuable contribution to the setting of the surrounding listed buildings and in turn their significance. In this instance the remains of the building are not considered to have a degree of significance that would provide clear and convincing justification for a new building in a location, where this would not otherwise be supported.

## **PLANNING HISTORY**

Reference	Description	Decision	Date
18/2361/FUL	Creation of agricultural access and track.	Refusal	31.01.2019
19/1425/FUL	Creation of agricultural access and track	Approval with conditions	23.08.2019

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D3 (Trees and Development Sites) Adopted

D8 (Re-use of Rural Buildings Outside of Settlements) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

#### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Policy HN06 (Sub-dividing or replacing existing buildings and dwellings) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)  
Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))  
Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife  
sites) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

#### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

#### Site Location and Description

This application relates to the ruined remains of a mid-Victorian stone building sited in the lower southwest corner of an agricultural field which itself is located to the west of and opposite Shute Gate House. The ruined building had an L-shaped plan with an enclosed yard to the west. Architectural evidence shows it was open fronted onto the yard, or at least contained a series of openings that could be closed off with doors. All that now remains is the stone outer walls, with all structural timbers and the roof absent.

The building is divorced from other buildings but there are dwellings on the opposite side of the road to the northeast of the site. The local C-class road runs past the site along its northeast and southeast boundaries. The land extends to approximately 1.3 hectares and falls from northeast to southwest. The site boundaries are formed by native hedgerows. There is an existing vehicular entrance centrally located on the

southeast field boundary and a track leads from there to the remains of the stone building.

The site lies in open countryside, outside of any defined settlement boundary and within the East Devon National Landscape. There are a number of designated heritage assets in the vicinity of the site including the grade I listed Shute Gate House and Shute Barton and the grade II listed Forge and Beagles Row to the northeast.

## ANALYSIS

This application seeks planning permission to construct a dwelling within the remaining walls of the ruined stone building. The new dwelling is proposed to be a detached, three-bedroom, one and a half storey house. The design intent is said to give it the appearance of a traditional barn from the visible elevations. To that end, no windows would be inserted into the walls or roof (following amendments to the original scheme). The other elevations would have a more contemporary domestic appearance and do not attempt to recreate any of the assumed character of the former building.

### Principle

The site is in the countryside for planning purposes and therefore, in accordance with Strategy 7 of the Local Plan, if the proposal is to be supported, it needs to be in accordance with a specific Local Plan policy. No such policies have been identified in the statement submitted in support of this application, except Policy D8 which is concerned with the re-use of rural buildings.

Although the proposal incorporates the remaining structure of the ruined older building, it does not constitute a conversion. The new dwelling would be structurally independent and would not rely on the existing walls for support. As explained in the submitted opinion from a structural engineer “The existing walls are not proposed to be used for load transfer in the new arrangement so would essentially just act as rather thick cladding to the new building.” Accordingly, the proposal should be considered a new build rather than a re-use or conversion under Policy D8.

In view of the conflict with Policy D8, and in the absence of any other policy support, the proposal conflicts with Strategy 7 and the overall provisions of the development plan. In these circumstances, as indicated by paragraph 12 of the NPPF, permission should not usually be granted. This provision applies where the policies most relevant to the determination of the application are up-to-date.

The supporting statement for this application argues that Policy D8 is out of date because it requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. This policy requirement is in direct conflict with paragraph 84 of the NPPF which permits development that would re-use redundant or disused buildings in isolated locations such as the application site.



In the recent appeal at Barn Close Kennels, Combe Raleigh (APP/U1105/W/23/3333745), which followed a decision at Greenhayes, Shute in 2022 (APP/U1105/W/22/3294599), the Inspector concluded that "Policy D8 is out of date by virtue of its inconsistency with the Framework". The Inspector went on to say "Given the pivotal role of Policy D8 in this case, I find that, taken together, the policies that are most important for determining the appeal are out of date. On that basis, Framework Paragraph 11d) indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole."

The same argument applies to this case and, as such, the proposal falls to be assessed against the provisions of the NPPF.

Paragraph 84 of the NPPF supports new dwellings in isolated locations where, among other things,

*"b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or  
c) the development would re-use redundant or disused buildings and enhance its immediate setting;"*

Both of these provisions are predicated on the existence and use of an existing building. In this case, while the proposal involves constructing a new dwelling within the footprint of a former structure, the existing stone walls are not structurally necessary and the new building would be entirely self-supporting. As such, the proposal does not constitute a re-use of a building and therefore falls outside the scope of paragraph 84(c), which requires the re-use of a redundant or disused building.

However, the proposal may still be considered under paragraph 84(b) if it can be demonstrated that the development represents the optimal viable use of a heritage asset. This would depend on whether the retention of the existing walls contributes meaningfully to the conservation or interpretation of the asset and whether the proposed use secures its future in a way that causes the least harm.

To address the heritage test in 84(b) the applicant has provided a heritage statement which concludes that the building has low to negligible significance. In this context, the Planning Practice Guidance advises that "A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets." (Paragraph: 039 Reference ID: 18a-039-20190723).

In this case, both the age and function of the building are uncertain. Based on historical maps, it can be dated to sometime between 1844 and 1889 but no documentary evidence about the timing or reason for its construction has been found. In terms of function, although it is likely to have been agricultural in form and open fronted or with a series of openings, it is not clear if it was used to house

livestock or possibly for some other purposes ancillary to the use of the deer park at Shute Barton. Notwithstanding these uncertainties, the ruined building is considered to be a non-designated heritage asset of low to negligible significance owing to its architectural and aesthetic value, which is still evident to a limited extent, and its, albeit very modest, historical value.

NPPF paragraph 84(b) only supports the re-use if it represents the optimal viable use or is appropriate enabling development. The optimal viable use is the one that is likely to cause the least harm to the heritage asset (see Paragraph: 015 Reference ID: 18a-015-20190723 of the Planning Practice Guidance). As the remains of the building have no existing use, it has very little economic value and therefore a continued non-use or an agricultural use would be viable options in this case. Moreover, they would be less harmful than the proposed works, which would obscure the interior wall surfaces and erase evidence of the original footprint, replacing it with a larger, contemporary residential structure that is likely to bear little resemblance to the former building. Consequently, the proposed development does not represent the optimal viable use of the asset. Furthermore, it is not 'enabling development' (which is new development on the site or nearby which can then finance the work necessary to conserve the heritage asset) and therefore paragraph 84(b) is not satisfied.

Whilst the new-build nature of the proposal places it outside the scope of paragraph 84(c), if it were within scope, the development would still need to enhance the immediate setting of the building. In this case the remains of the building sit quietly in the corner of a field, contributing to the tranquillity and beauty of the countryside, which is designated as part of the East Devon National Landscape. Constructing the dwelling would necessitate a parking area, a garden and associated domestic paraphernalia, along with activity associated with a dwelling. Furthermore, the new dwelling would have a larger footprint than the original building and, owing to the addition of a roof, would be more prominent than the existing structure. Historic England have also raised a concern about the choice of materials for the walls. Consequently, the proposals would not enhance the tranquil rural setting of the building.

In summary, the proposal does not gain support from paragraph 84 of the NPPF.

The agent has also drawn attention to paragraph 139, which says significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help to raise the standard of design more generally in the area. This proposal is neither outstanding nor innovative. Innovation in design typically involves introducing new methods, ideas, or products that significantly advance the field. Simply embedding a contemporary design within the walls of a remnant building does not inherently qualify as innovative. Consequently, support for the proposal cannot be drawn from paragraph 139 of the NPPF.

In conclusion on this issue, the proposal is unacceptable in principle because it conflicts with Policy D8 of the Local Plan, which applies to conversions of existing rural buildings. However, as this proposal is for a new dwelling that does not rely on the existing walls for structural support, it is not considered to be a conversion and therefore falls outside the scope of Policy D8. While recent appeal decisions suggest

Policy D8 is out of date, the proposal also fails to gain support from paragraph 84 of the NPPF, as it neither represents the optimal viable use of a heritage asset nor enhances its setting. The building's limited heritage significance, the intrusive nature of the development, and the lack of innovative or outstanding design further weaken the case. As such, the proposal conflicts with both local and national planning policy, and there are no overriding material considerations to justify approval.

### Location

In the absence of support from paragraph 84 for a new isolated dwelling, the provisions of paragraphs 109, 110 and 115 of the NPPF, as well as Strategy 5b and Policy TC2 of the Local Plan are applicable. The local plan policies seek to locate development to minimise the need to travel by car. These policies are in accordance with the relevant paragraphs of the NPPF, which prioritise sustainable transport modes, such as walking, cycling and public transport use, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Shute has a school and a church but for most day-to-day needs, including shops, medical services and employment, occupiers of the proposed dwelling would need to travel to destinations such as Colyton (2.5 miles), Axminster (4.4 miles) or Seaton (5.2 miles). In the absence of footways or cycle paths, and given the distances to these settlements, walking and cycling are not realistic options.

There is a bus stop near Shute Gatehouse which is about 60 metres from the site entrance. This stop is served by the X30, which connects to Exeter, Honiton, Colyton and Seaton and stops three times a day Monday to Friday in each direction. It is also served by the 20 which connects to Seaton, Honiton and Taunton and stops four times a day Monday to Saturday in each direction. Neither service runs in the evenings or on Sundays and Bank Holidays.

Whilst there are seven buses a day serving Seaton and Honiton during the daytime Monday to Friday (only four buses on a Saturday, and none on a Sunday), this is not a sufficiently frequent service to be an attractive alternative to travel by car. In the absence of options to walk or cycle to these destinations, the site cannot be said to be in a sustainable location, having regard to paragraph 11d of the NPPF. This says that decisions should have particular regard to key policies for directing development to sustainable locations.

In conclusion on this issue, given the limited range of local services and the infrequent public transport options, the proposed development would be heavily reliant on private car use for most day-to-day needs. This conflicts with both Local Plan policies and national planning guidance, which seek to direct development to locations that minimise the need to travel and promote sustainable transport. As such, the site cannot be considered a sustainable location for new residential development.

### Setting of listed buildings

Shute Gatehouse and Shute Barton are both Grade I listed buildings of exceptional national interest. The gatehouse dates from around 1570, possibly earlier, while Shute Barton (also known as Old Shute House) is the surviving part of a substantial medieval manor house, partly constructed circa 1380.

The heritage statement concludes that the proposal is unlikely to adversely affect the setting of Shute Barton due to the physical separation and screening that create a largely enclosed context. While Historic England has not disputed this directly, their primary concern lies with the potential impact on the setting of Shute Gatehouse. Specifically, they highlight the visibility of the proposed dwelling in views from the arched entrance of the gatehouse and the effect this would have on the experience of arrival and departure.

The applicant's heritage statement argues that the building is only peripheral to key views and, due to topography and orientation, would not intrude upon the principal viewpoints of the gatehouse. However, Historic England and the Council's Conservation Officer disagree, raising concerns that the introduction of a modern residential use, along with associated infrastructure and domestic features, would create a conspicuous and incongruous element within the rural landscape. This, they argue, would erode the character and setting that contribute to the gatehouse's significance.

It is therefore concluded that the proposal would result in harm to the setting of Shute Gatehouse. Although this harm is considered to be less than substantial, paragraph 215 of the National Planning Policy Framework requires that it be weighed against the public benefits of the scheme. In this case, those benefits are limited to the provision of a single dwelling, which makes only a modest contribution to housing supply and offers no wider community or heritage gains. Given the statutory duty to give great weight to the conservation of designated heritage assets, the limited public benefits do not outweigh the identified harm. The proposal therefore fails to satisfy the requirements of paragraph 215 of the NPPF.

In contrast, the Grade II listed Forge and Beagles Row, which overlook the site, derive their significance primarily from their construction, function, and immediate surroundings. Due to the separation between these buildings and the proposed development, no harm to their significance is identified.

In light of the identified harm to the setting of the Grade I listed Shute Gatehouse, and the absence of sufficient public benefits to outweigh that harm, the proposal is contrary to paragraph 215 of the National Planning Policy Framework. It also conflicts with Policy EN9 of the East Devon Local Plan, which seeks to ensure that development affecting designated heritage assets preserves or enhances their significance and setting.

### East Devon National Landscape

The site is situated within the East Devon National Landscape, and the Local Planning Authority is under a statutory duty to seek to further the purposes for which the area was designated, namely the conservation and enhancement of its natural beauty.

The Landscape Character Assessment for East Devon characterises the immediate surroundings as Upper Farmed and Wooded Valley Slopes (LCT 3A). The buildings and settlements in LCT 3A are characterized by a dispersed pattern of isolated farms and small villages, often centred around a church. These structures are typically constructed from local stone (chert) and cob, reflecting traditional Devon architecture with thatched roofs and stone or cob walls. Some villages are estate villages, historically built to house workers on large estates. The area retains numerous medieval features, including churches, farms, and lanes. The winding, narrow lanes, often sunken with high banks and flower-rich verges, add to the rural charm and intimacy of the landscape, making it a distinctive and historic part of the Devon countryside.

Shute is a small settlement that, despite its size, retains the key characteristic of being nucleated around a historic church. The historic core has experienced minimal modern development, and the proposed dwelling would represent a visually prominent intrusion into a part of the landscape that remains largely undeveloped and contributes to the village's rural setting. While some mitigation measures have been proposed—such as the removal of masonry piers at the site entrance and the planting of a new hedgerow along the driveway—these are insufficient to offset the visual impact of the new building and the associated residential activity and infrastructure. As such, the proposal would fail to conserve or enhance the natural beauty of the area, resulting in conflict with Strategy 46 of the Local Plan and the provisions of the NPPF.

#### Other matters

**Trees** – There are trees and hedges close to the southern boundary of the site that could be affected by the construction works and may come under pressure for tree works once the building is occupied. An up-to-date survey has not been provided, but an old survey indicates that the nearest tree is a mature oak which is considered to be a category B tree. Indicative tree protection details have been provided and the Council's Arboricultural Officer is satisfied that subject to tree protection measures a harmonious relationship with the trees would be achieved. The proposal therefore complies with Policy D3 of the Local Plan.

**Flood risk** – Environment Agency mapping indicates that the northern and western edges of the site are at risk of surface water flooding. Works appear to have been carried out to the ditch/watercourse to help convey the water away from the building. Given that neither the access nor the building are shown to be in an area that is at risk of flooding, the proposal is compatible with the relevant local and national guidance on flood risk, including Local Plan Policy EN21.

**Drainage** – There are no main sewers in the vicinity of the site and therefore the proposal is to install a package treatment plant discharging to a soakaway. Although percolation test have not been carried out, it is likely that the system could discharge to the ditch/watercourse if ground conditions are unsuitable for infiltration. The proposal therefore complies with Policy EN19 of the Local Plan.

BNG – The proposal is for a self-build dwelling which is exempt from the requirement to deliver a biodiversity net gain. It would be necessary to impose a condition or legal agreement on any permission to ensure that the terms of the exemption are satisfied by the developer.

Wildlife - Bat emergence surveys have identified that the ruined barn supports two day-roosts for soprano pipistrelle bats. The crevices within the stonework also provide potential sites for hibernation. The proposed works would damage or destroy the identified bat roosts and have the potential to cause disturbance and/or injury to any roosting bats present at the time. To mitigate for the loss of habitats, alternative roosting provision would be made elsewhere on the site and new roosting features would be created in the building. Sensitive lighting would also be proposed.

For the work to be allowed to proceed, a licence will be required from Natural England and the Local Planning Authority is obliged to consider whether such a licence is likely to be granted. This means considering the three derogation tests:

- the activity must be for a certain purpose - for example, for scientific research or in the public interest
- there must be no satisfactory alternative that will cause less harm to the species
- the activity must not harm the long-term conservation status of the species

The proposal is in the public interest because it would help to meet a pressing need for more housing. In this case, there would appear to be alternative options that would avoid disturbing the protected species, such as building elsewhere on the site, but realistically the proposed scheme represents the most feasible option in planning terms because it reuses the site and derelict walls of a former building. Natural England adopt a proportionate approach which is relative to the degree of impact and therefore it is considered reasonable to conclude that there is no satisfactory alternative to the proposal. Finally, the mitigation and compensation measures proposed would be sufficient to secure the long-term conservation status of the bats and therefore the three tests would be satisfied.

Subject to a condition securing the mitigation and compensation measures, the proposal would comply with Policy EN5 of the Local Plan.

Beer Quarry and Caves SAC – The site is within the consultation zone of this protected site for bats. Associated with the SAC there are three tree roosts for Bechstein's Bats within 1km of the site (the nearest being 150 metres to the north). The wildlife report concludes that a sensitive lighting scheme will be required and outlines the measures that should be incorporated but no such scheme has been provided. Consequently an Appropriate Assessment of the proposal has been unable to conclude that an adverse effect on the SAC would be prevented and Natural England have agreed with this conclusion. On the basis that an adverse effect cannot be ruled out, and in accordance with the Conservation of Habitats and Species Regulations 2017, the application must not be approved.

## **CONCLUSION**

The proposed development conflicts with multiple policies of the Adopted East Devon Local Plan and national planning guidance. It fails to comply with Policy D8 due to the extent of new construction required, and does not meet the criteria of paragraph 84 of the NPPF, as it neither represents the optimal viable use of a heritage asset nor enhances its setting. The site's unsustainable location, with limited access to services and reliance on private car travel, breaches Strategy 5B and Policy TC2, as well as paragraphs 109, 110, and 115 of the NPPF. The development would also harm the setting of the Grade I listed Shute Gatehouse, contrary to Policy EN9, paragraph 215 of the NPPF, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, it would introduce a conspicuous and domestic form into the East Devon National Landscape, conflicting with Strategy 46. Finally, the absence of a sensitive lighting scheme means that adverse effects on the Beer Quarry and Caves SAC cannot be ruled out, contrary to Strategy 47 and Policy EN5 of the Local Plan, and the Conservation of Habitats and Species Regulations 2017.

Turning to the presumption in favour of sustainable development in paragraph 11d of the NPPF, this says that permission should be granted unless the policies that protect areas or assets of particular importance (such as heritage assets, protected landscapes and protected wildlife sites) provide a strong reason for refusing the development proposed or any adverse impacts of approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In view of the negative conclusion of the Appropriate Assessment, as well as the adverse impact on the setting of a grade I listed building and the National Landscape, there are strong reasons to refuse the application. The presumption in favour of sustainable development therefore does not support approval in this case.

While the support of the ward member and the absence of objection from the parish council are acknowledged and appreciated, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal conflicts with several key policies of the Adopted East Devon Local Plan, as well as national planning guidance. The concerns raised by statutory consultees, including Historic England and Natural England, highlight significant heritage, landscape, and ecological impacts that cannot be mitigated through local support alone. Although the reuse of the structure is seen by some as a creative and beneficial solution, the scale of new construction, the unsustainable location, and the harm to designated heritage and landscape assets outweigh the benefits identified by local stakeholders. As such, the application cannot be supported on the basis of community support where it fails to meet the necessary planning policy tests.

Accordingly, the application is not considered to represent sustainable or policy-compliant development and is therefore recommended for refusal.

## **RECOMMENDATION**

ADOPT the Appropriate Assessment

and

REFUSE for the following reasons:

1. The proposal does not comply with Policy D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031, which requires that the building be structurally sound and capable of conversion without substantial extension, alteration, or reconstruction and Policy HN06: Sub-dividing or replacing existing buildings and dwellings of the Draft East Devon Local Plan 2020-2042 which requires proposals to be in keeping with the character of the area and not increase the building's floorspace by more than 30%. The proposal is not a conversion but a new build within the footprint of a former structure. The existing walls are not structurally relied upon, and therefore the proposal falls outside the scope of these policies. In addition, the proposal fails to meet the criteria set out in paragraph 84 of the National Planning Policy Framework 2024 (as amended). The development does not represent the optimal viable use of a heritage asset, nor does it enhance the immediate setting of the building. As such the proposal would result in unjustified development in the countryside contrary to the spatial strategy of the development plan.
2. The site is located in open countryside with limited access to sustainable transport options. The proposal does not align with the principles of sustainable development as outlined in paragraphs 109, 110, and 115 of the National Planning Policy Framework 2024 (as amended), as well as Strategy 5B - Sustainable Transport and Policy TC2 - Accessibility of New Development of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport of the Draft East Devon Local Plan 2020-2042. The reliance on car travel due to the absence of footways, cycle paths, and frequent public transport services makes the location unsustainable.
3. The proposed development would result in harm to the setting of the Grade I listed Shute Gate House, a heritage asset of exceptional national importance. The introduction of a conspicuous and domestic residential use within the rural landscape that forms part of the Gate House's historic setting would erode its character and diminish the experience of the asset, particularly in views from and towards the Gate House. Despite amendments to the scheme, the intensification of use and associated infrastructure would adversely affect the appreciation of the Gate House within its landscape context. The proposal therefore fails to preserve the setting of a listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 219 of the National Planning Policy Framework 2024 (as amended), Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031 and Policy HE02: Listed buildings of the Draft East Devon Local Plan 2020-2042.



4. The site lies within the East Devon National Landscape, a protected area designated for its natural beauty. The proposed development would introduce a new dwelling, associated domestic activity, and infrastructure into an undeveloped and tranquil part of the landscape that contributes to the rural setting of Shute. The development would be visually conspicuous and would not conserve or enhance the natural beauty, character, or special qualities of the area. The proposal therefore conflicts with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy OL02: National Landscapes (Areas of Outstanding Natural Beauty) of the Draft East Devon Local Plan 2020-2042, which seek to protect the landscape character and scenic beauty of nationally designated landscapes and the provisions of the National Planning Policy Framework 2024 (as amended).
5. The site is within the consultation zone of the Beer Quarry and Caves SAC, which is a protected site for bats. The application lacks a sensitive lighting scheme, and therefore, an Appropriate Assessment has concluded that the proposal would not prevent adverse effects on the SAC, contrary to the requirements of the National Planning Policy Framework 2024 (as amended), Strategy 47 - Nature Conservation and Geology and Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031 and Strategic Policy PB01: Protection of internationally and nationally important wildlife sites and Strategic Policy PB04: Habitats Regulations Assessment of the Draft East Devon Local Plan 2020-2042.

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

HALLETPRO rev 1.2	Proposed roof plans	10.02.25
HALLETPRO2 rev 1.2	Proposed Elevation	10.02.25

HALLETTPRO3 rev 1.2	Sections	10.02.25
SP500 rev 1.4	Proposed Site Plan	10.02.25
3079.001 B	Tree Protection Plan	11.04.25
	Location Plan	30.10.24
HALLETTPRO4 Rev 1.1 Ground	Proposed Floor Plans	30.10.24
HALLETTPRO5 Rev 1.1 First	Proposed Floor Plans	30.10.24

#### 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.