

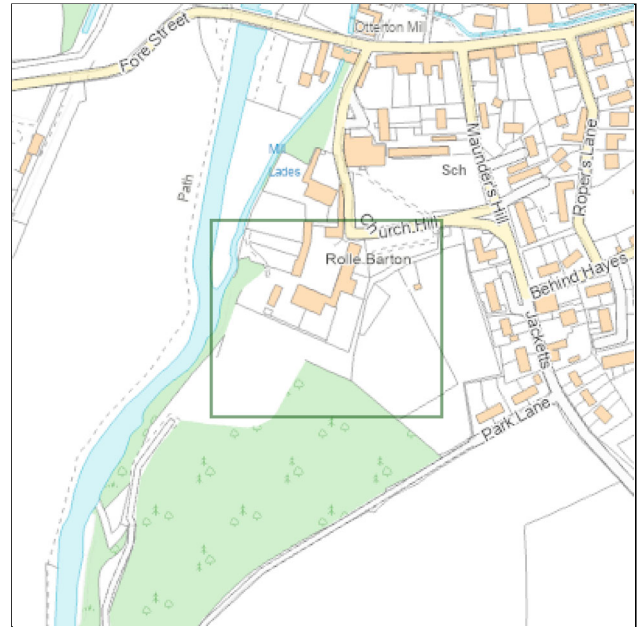
**Ward** Budleigh And Raleigh

**Reference** 25/1191/FUL

**Applicant** Mr Peter FitzGerald

**Location** 7 Rolle Barton Church Hill Otterton EX9 7HR

**Proposal** A wooden garden shed to be erected in the back garden.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 19.08.2025</b>
<b>Budleigh And Raleigh (Otterton)</b>	<b>25/1191/FUL</b>	<b>Target Date: 05.08.2025</b>
<b>Applicant:</b>	<b>Mr Peter FitzGerald</b>	
<b>Location:</b>	<b>7 Rolle Barton Church Hill</b>	
<b>Proposal:</b>	<b>A wooden garden shed to be erected in the back garden.</b>	

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#### **EXECUTIVE SUMMARY**

**This application is before Members as the applicant is the father of one of the Members of the Council – Cllr. Charlotte Fitzgerald – Budleigh Ward (see application form). (She is also Vice-Chairman of the Council.)**

**The proposal is to erect a modest timber shed in the rear garden where it will be mainly screened from view by existing boundary features.**

**It is considered that the development is acceptable in principle, will not have any significant, detrimental impacts upon the character of the surrounding area, the nearby conservation area, the special qualities of the National Landscape nor would there be significant, detrimental harm to the amenity of neighbours.**

**The application accords with the development plan and is therefore recommended for approval.**

#### **CONSULTATIONS**

##### **Local Consultations**

##### **Conservation – No objections:**

7 Rolle Barton is part of a development of new dwellings and converted farm buildings which are understood to date to the C19 and are within the Otterton Conservation Area. The rear garden is surrounded on each side by other private gardens. To the south is open land and woodland outside the conservation area boundary.

The proposed shed is with an enclosed part of the garden where there is a retaining wall and fence obscuring it from view from the east, and the rear wing of the house obscuring it to the west. It will be visible from the land to the south of the garden boundary, but only for a short distance. As the rear of the property is a secondary elevation and the garden is largely enclosed, the proposed shed will cause no harm to the character of the conservation area.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy EN10 of the East Devon Local Plan and paragraphs 212 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE03 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025. It accords with these policies.

Recommendation: No objections.

### **Technical Consultations**

**DCC Highways** – No response.

**South West Water** - No objection, Standing advice given

**Other Representations** - None.

### **PLANNING HISTORY**

- Ref: 91/P1807 - Conversion of barn into two dwellings, demolition of barn and construct 9 two-storey dwellings – Approval – 28/02/1992.
- Ref: 97/P0102 - Conversion & change of use of barn re-building & building new to form 11 dwelling units – Approval – 11/06/1997.

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### **POLICIES**

National Planning Policy Framework  
National Planning Policy Guidance.

#### **Local Plan 2013-2031**

Strategy 7:	Development in the Countryside
Strategy 46:	Landscape Conservation and Enhancement and AONBs
Policy D1:	Design and Local Distinctiveness
Policy EN5:	Wildlife Habitats and Features
Policy EN8:	Significance of Heritage Assets and their Setting
Policy EN9:	Development Affecting a Designated Heritage Asset
Policy EN10:	Conservation Areas.

#### **Draft East Devon Local Plan (2020 – 2042) - Emerging**

Policy SP06: Development beyond Settlement boundaries

Policy HN07: Householder Annexes, Extensions, Alterations and Outbuildings

Policy DS01: Design and Local Distinctiveness  
Policy OL02: National Landscapes (Areas of Outstanding Natural Beauty)  
Policy PB07: Ecological enhancement and biodiversity in the built environment  
Policy HE03: Conservation Areas.

**Otterton Neighborhood Plan:**

Policy ONP1 – Sustainable Development.  
Policy ONP2 – Protecting and Enhancing the Conservation Area and other Heritage Assets.  
Policy ONP3 – Protecting and Enhancing the Built Environment.  
Policy ONP4 – Protecting and Enhancing the Natural Landscape.  
Policy ONP5 – Protecting and Enhancing Wildlife in the Natural Environment.

**Site Location and Description of Development**

The application site comprises the existing, two-storey, end-of-terrace dwelling No. 7, Rolle Barton, Church Hill, Otterton.

The site is served with a rear garden area enclosed by a rendered boundary / supporting wall.

The site is located within the East Devon National Landscape.

The site is not located near to any listed buildings / heritage assets. The site is located within the Otterton Conservation Area.

The site is not located within a flood risk zone, as identified by the Environment Agency. The site is not located within a critical drainage area.

The application proposes the erection of a timber shed in the rear garden area.

The shed measures the following dimensions:

- Length – 3.6m.
- Width – 1.8m.
- Height – 2.5m.

The proposed schedule of materials includes:

- Windows – two windows – one openable and one fixed – 610mm square set in a joinery made window-frame fitted with 4mm toughened safety glass.
- Walls - 19 x 125mm shiplap cladding on 38 x 50mm planed framing, using high grade Scandinavian Redwood, finished in light oak wood preservative.
- Doors - Shed doors are ledged, braced and partially framed, and are hung with 3 at 300mm zinc plated T-hinges and secured with a pad bolt. A single

door measures 760 x 1700mm opening. Finished in light oak wood preservative.

- Roof - 19 x 125mm tongue and groove match boarding on 38 x 50mm planed framework covered with propane torched on heavy duty roofing felt.

It is noted that permitted development rights have previously been removed via condition 6 to planning permission Ref: 97/P0102, which states:

*'Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1997, no extensions and buildings, fences of other enclosures shall be constructed or erected without the prior permission of the Local Planning Authority. (Reason - In the interests of the amenities of the area).'*

As such, planning permission is required for the proposed works.

## **ANALYSIS**

### **Principle/ Sustainable Development:**

The works comprise minor, residential development within the Built-Up Area Boundary of Otterton, and is surrounded by residential development. As such, the works are deemed acceptable, in-principle.

### **Design / Visual Impacts:**

No significant concerns are raised in respect of the overall bulk, scale and massing of the works in this inconspicuous location within the rear garden area of the host dwelling. No other concerns are raised in respect of the final schedule of materials.

### **The Historic Environment:**

The council's conservation officer maintains no objections to the proposal and no conditions have been recommended.

As such, the works are not deemed likely to detract / harm the character and appearance of the Otterton Conservation Area.

### **Neighbouring Amenity:**

No significant concerns are raised in respect of any likely impacts upon neighbouring amenity. The works are suitably sited to not give rise to any overlooking, loss of privacy, intervisibility and / or loss of daylight / sunlight.

### **Drainage / Flood Risk:**

No significant concerns are raised in respect of drainage / flood risk. The works introduce a limited amount of impermeable surfaces across the site and the likely method treating surface water will be via discharge into the ground, which Southwest Water support and is in-line with the Run-off Destination Hierarchy.

### **Highways Safety / Access:**

No concerns are raised in respect of highways safety / access given the siting of the works within the rear garden area.

**Ecology / Biodiversity:**

No concerns are raised in respect of ecology / biodiversity in this instance.

**Conclusion**

In this case, the proposed development is considered acceptable in principle due to its sustainable location and minor, residential type. The final design and siting are also deemed satisfactory, with no significant adverse impact anticipated on the amenities of nearby dwellings. Furthermore, there are no outstanding concerns regarding the historic environment, drainage or flood risk, highway safety or access, nor ecology or biodiversity.

**RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. 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.)

**NOTE FOR APPLICANT**

Informative:

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

Biodiversity Net Gain Informative:

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 BG conditions states that development may not begin unless:

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

In this case the planning authority you should submit the Biodiversity Gain Plan to is East Devon District Council.

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.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be viewed in full using the following link: Biodiversity net gain - GOV.UK ([www.gov.uk](http://www.gov.uk))

Householder applications are exempt from submitting a Biodiversity Gain Plan so you do not need to take any further action in this regard.

#### Plans relating to this application:

Site Plan – Published – 10/06/2025

Location Plan – 04/06/2025

Specification or Technical Data – 04/06/2025.

#### **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.