

**Ward** Budleigh And Raleigh

**Reference** 25/2502/FUL

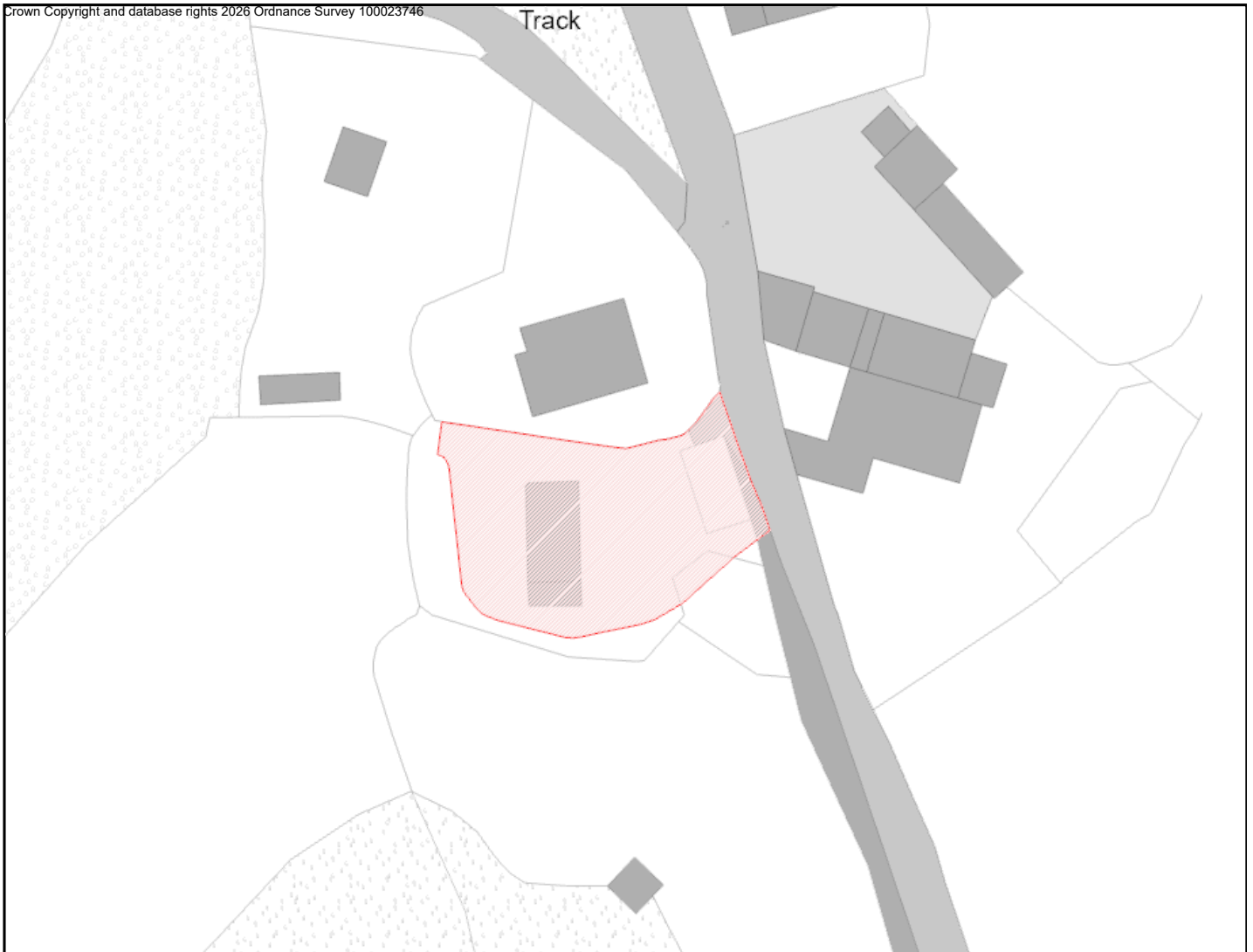
**Applicant** Clinton Devon Estates

**Location** Redundant Barn Adjacent To Burnthouse Cottage Northmostown Sidmouth

**Proposal** Conversion of existing barn to create new dwelling including rear single storey extension



**RECOMMENDATION: Refusal**



		<b>Committee Date: 09.06.2026</b>
<b>Budleigh And Raleigh (Otterton)</b>	<b>25/2502/FUL</b>	<b>Target Date: 05.03.2026</b>
<b>Applicant:</b>	<b>Clinton Devon Estates</b>	
<b>Location:</b>	<b>Redundant Barn Adjacent To Burnthouse Cottage Northmostown</b>	
<b>Proposal:</b>	<b>Conversion of existing barn to create new dwelling including rear single storey extension</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

This application is before committee as the recommendation is contrary to the views of the Ward Member and Parish Council.

The application proposes the conversion of a redundant barn adjacent to Burnthouse Cottage into a three-bedroom dwelling, including a substantial rear extension, parking and associated landscaping. The site lies outside any settlement boundary, within the East Devon National Landscape, and close to several Grade II listed buildings.

While the principle of re-using a rural building is acknowledged and the proposal received local support, the scale of the extension, excavation works, parking provision and introduction of domestic features are considered to amount to a substantial and unsympathetic alteration. The development would undermine the agricultural character of the barn, cause visual harm to the nationally protected landscape, and fail to conserve the setting of nearby listed buildings.

The Council's Conservation Officer identifies the barn as a non-designated heritage asset and concludes that the proposal would result in moderate to substantial harm. This harm arises from the scale of the extension, removal of historic structural elements, extensive groundworks, and the introduction of domestic features that erode the barn's historic agricultural character. In addition, the proposal would fail to preserve or enhance the setting of surrounding Grade II listed buildings, resulting in further heritage harm. The limited public benefits associated with the provision of a single dwelling are not considered sufficient to outweigh this harm.

In addition, the submitted ecological information is insufficient to demonstrate that impacts on protected species, including bats and barn owls, can be adequately mitigated. Furthermore, due to its countryside location occupiers of the development will be reliant on use of the private car.

Although the Council cannot demonstrate a five-year housing land supply, the site's location within a protected landscape and the identified landscape, heritage and ecological harms mean that the presumption in favour of sustainable development does not apply. The proposal is therefore contrary to national and local planning policy and is recommended for refusal.

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## POLICIES

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Adopted Strategy 48 (Local Distinctiveness in the Built Environment)

Adopted

D1 (Design and Local Distinctiveness)

Adopted D2 (Landscape Requirements)

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 EN14 (Control of Pollution) 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

### Sid Valley Neighbourhood Plan (Made)

Policy 1: Sid Valley Development Principles

Policy 6: Infill Development, Extensions and Trees

Policy 7: Local Distinctiveness

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

# COMMITTEE REPORT

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

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

Draft Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy TR04 (Parking standards) Draft

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

Draft Policy OL09 (Control of pollution) Draft

Policy PB03 (Protection of irreplaceable habitats and important features)

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

Policy HE03 (Conservation Areas)

Draft Government Planning

## Documents

National Planning Practice Guidance

National Planning Policy Framework 2024 (as amended)

**Consultation Period End Date: 13.02.2026**

## **CONSULTATIONS**

### Parish/Town Council

03/02/26 - Burnthouse Barn planning comment. Members of the Parish Council visited the site. The existing barn is showing signs of weathering and degradation due to exposed cob and lack of maintenance.

The barn is no longer required or suitable for agricultural use and the proposal will bring it back into use before the building is past a state of repair.

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The proposed new extension will not be very visible from the front and as the proposal seeks to retain the existing walls and structure the appearance will be of a traditional style barn design.

Initial concerns regarding Barn Owl and bat roosting sites seem to have been mitigated as detailed in the reports.

The Parish Council therefore supports this application.

### Budleigh And Raleigh - Cllr Charlotte Fitzgerald

09/04/2026 - Indeed in line with the parish council I would like to have it on record that I support 25/2502/FUL, such that a report to the chair can be made and an opportunity to discuss the issues before decision is made, thank you.

### EDDC Trees

26/01/26 - No arb concerns.

### Environmental Health

23/01/26 - I have considered the application and do not anticipate any environmental health concerns

### Conservation

10/03/26 —

A heritage objection has been received in respect of the proposed conversion of the redundant barn at Burnthouse, Northmostown. While the building is not statutorily listed, it is considered to meet the criteria for a non-designated heritage asset due to its age, traditional construction, historic agricultural use, and its relationship with adjacent Grade II listed buildings, including Burnthouse Cottage, Burnthouse Farm and the listed linhay to the east.

Concern is raised that the proposal would result in the loss of significant historic fabric, particularly the removal of the internal king post roof trusses, which are identified as key elements contributing to the barn's historic and evidential value. In addition, the proposed single-storey flat-roofed rear extension is considered to introduce an overly modern and domestic form of development that would be incongruous with the character of a traditional rural agricultural building.

Further concern is expressed regarding the extent of land regrading, hardstanding and car parking, which is considered to erode the barn's agricultural setting and cause harm to the setting of nearby listed buildings. Having regard to the National Planning Policy Framework and relevant heritage guidance, the works are assessed as resulting in a moderate to large level of heritage harm, which is not considered to be outweighed by the public benefits of the scheme.

On this basis, the proposal is not supported on heritage grounds, as it would fail to conserve the significance of the non-designated heritage asset and would negatively affect the setting of designated heritage assets nearby.

### EDDC District Ecologist

09/02/26 -

The Council's Ecologist has reviewed the proposal and raises a holding objection, pending the submission of further information.

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Ecological surveys have identified the presence of roosting bats and evidence of nesting Barn Owls, together with potential nesting habitat for other breeding birds. While bat emergence surveys were undertaken in May and June 2025, only two surveys were completed despite the barn being assessed as having high bat roost potential. Further justification is required to explain the deviation from best-practice guidance and to demonstrate that a bat maternity roost is not present. Until this information is provided, the adequacy of the proposed mitigation cannot be confirmed. It is also advised that a Bat Mitigation Class Licence would not be applicable, due to the number of bat roosts identified, and that a full European Protected Species Licence would be required from Natural England prior to commencement.

Evidence of a nesting Barn Owl has been recorded within an existing owl box inside the barn. While the provision of a replacement Barn Owl box and a pre-commencement check is welcomed, further clarification is required regarding timing restrictions for works to ensure compliance with wildlife legislation. Similar timing and pre-works checks are recommended in relation to breeding birds, should works take place during the March to August nesting season.

In respect of Biodiversity Net Gain, the submitted metric demonstrates an onsite net loss to be compensated through the off-site purchase of 0.13 Area Habitat Units, which is considered acceptable. However, clarification is required regarding the failure of one statutory condition assessment, and confirmation of the allocation of biodiversity units on Natural England's Biodiversity Gain Site Register will be required prior to commencement in order to discharge any BNG condition.

Overall, while elements of the ecological assessment are acceptable, the application cannot be supported at this stage due to outstanding survey and mitigation clarification requirements.

## Other Representations

Two letters of objection have been received from third parties which raise issues relating to visual impact, neighbour amenity, heritage impacts and missing information.

## Site description

The site is located 1.5 miles South of Northmostown and approximately 1 mile (by foot) from Colaton Raleigh to the East. The plot measures approximately 580m<sup>2</sup> and is located within the East Devon National Landscape.

The application is for the conversion of a barn into a dwelling. The barn (Figure 1) is in relatively poor condition but is considered to visually contribute to the character of the area and the historical setting. A structural survey has been submitted which suggests the barn is capable of conversion.

The site is located along a classified 'C' road known as the Lane from Pinn Lane Corner to Northmostown Farm (Figure 2) and is accessed via an opening along the Eastern (front)

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site boundary.

A site visit was conducted on 14/01/2026 where it was observed that the site slopes relatively steeply down from the Southwest to Northeast. This means that the barn sits in an elevated position in comparison to the adjacent buildings. The site would be considered prominent within its locality and holds a visual relationship with the adjacent farm buildings. The adjacent farm buildings are Grade II listed heritage assets known as Burnt House Cottage (directly North), Burnthouse Barn (directly East), Burnthouse Linhay (to the Northeast as seen in Figure 3) and Burnthouse Farm (directly Northeast).

The site is not located within a flood zone and does not benefit from any additional special designations.

## **Proposed development**

The application seeks permission to convert an existing thresher barn into a 3-bedroom, 6-person dwelling. The proposal would introduce a large, glazed window on the front elevation which would fill an existing opening which is currently a large timber door. The front elevation would also feature a centrally positioned roof light.

The rear elevation would see a large, single storey, sedum-roofed extension introduced. The bulk of the extension would measure approximately 10.8 metres in width, 5.8 metres in length and 3.4 metres in height. The extension would partially wrap around the side elevation. The overall footprint of the extension measures at approximately 65m<sup>2</sup>, which represents a doubling of the existing footprint.

The scheme also proposes significant amounts of hard landscaping which would require excavation and regrading of the land. The excavation would create two off-street parking spaces and a walkway along the northern boundary of the site that would lead to the entrance of the dwelling.

The boundary wall on the eastern elevation will be partially retained and extended with gabion baskets.

## **Planning History**

There is no relevant planning history.

## **ANALYSIS**

The application has received support from the local ward member and the parish council. Two letters of objection have been received from third parties which raise issues relating to visual impact, neighbour amenity, heritage impacts and missing information. Upon review of the scheme and these comments, issues relating to location, visual impacts, heritage impacts, highways, trees and hedgerows, flood risks and housing need shall be discussed as well as the schemes alignments with Policy D8 of the EDLP.

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## Principle of Development

The application site is located outside any built-up area boundary and is therefore located within the countryside as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan (EDLP). Strategy 7 seeks to strictly control new development and will only permit development that is explicitly permitted by other policies within the development plan, provided that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Being a conversion the principle of development could be supported by Policy D8 (Re-use of Rural Buildings Outside of Settlements). This policy will permit development subject to the alignment with the five criteria as follows:

1. The new use is sympathetic to and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

An assessment against criteria 1 shall be completed within this report.

2. The building is structurally sound and capable of conversion **without the need for substantial extension**, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The application is accompanied by a structural survey which confirms that the building is suitable for conversion. However a substantial single-storey extension of a similar footprint to the barn is proposed which accommodates a kitchen/dining area, pantry and toilet. These services are located beyond the footprint of the barn which then accommodates three double bedrooms within the barn. The proposal therefore conflicts with criteria 2 of policy D8.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

Assessment against criteria 3 shall be completed in this report.

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

The application proposes using an existing access point. The scheme proposes parking space for two vehicles and will not result in a significantly higher number of road users. The scheme would therefore fulfil this requirement.

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

Upon completing a site visit, it was apparent that the building was not currently in use, nor had it been recently used. When considered the apparent continued disuse of the structure, a replacement structure would not likely be required.

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## **Location**

Policy D8.1 of the EDLP permits the conversion of redundant buildings in the countryside provided that they are located in areas that do not substantively add the need to travel by car. The nearest settlement would be Colaton Raleigh, approximately 1 mile to the West by foot. Colaton Raleigh contains a village shop, bus stop and public house. Other small businesses exist within the settlement; however, these would not fulfil the everyday needs of those residing within the settlement. To walk from the site to these services, would require an occupier to, in part, walk along unlit and unpaved roads and, a 400-metre stretch of unlit public footpath. This route would be considered unsuitable for the purposes of accessing essential services such as the village shop. It would therefore be anticipated that occupiers of the proposal would need to travel to the village by car meaning the site is not sustainably located and thus in conflict with Policy D8.1, D8(c) and Strategy 5B of the EDLP.

It should however be noted that the district is currently unable to demonstrate a 5 year-housing-land-supply (5YHLS). As such, there is a presumption in favour of sustainable development (the tilted balance) unless policies within the NPPF provide a strong reason for refusal. If the titled balance is applied, locational policies in the development plan, such as Strategy 7 and Policy D8.1/D8(c) carry less weight.

Subject to an assessment of the proposal against relevant framework policies and, a determination as to whether the tilted balance is applicable to this application, conflict with the locational requirements of the local plan may not demonstrably outweigh the benefits of an additional dwelling.

## **Visual impact upon Character and Landscape.**

The existing barn is comprised of exposed red cob sat upon a stone rubble footing with a corrugated iron roof. It is understood that the site has recently been cleared and that the barn is now more prominent within its immediate context. Whilst the barn appears to be in relatively poor condition, it makes a strong historic and agricultural contribution to its rural setting and bares a strong relationship with the surrounding farm buildings of similar character.

The site is located within the East Devon National Landscape. Section 245 of the Levelling-up and Regeneration Act 2023 places a statutory duty upon relevant authorities to 'seek to further' the statutory purposes of the protected landscapes. Paragraph 189 of the NPPF states that great weight should be given to the conservation and enhancement of these areas and that development should be sensitively located and designed to avoid or minimise adverse impacts upon the landscape and cultural heritage.

The conservation officer considers the barn as a non-designated heritage asset. Although being in poor condition, the barn would therefore be considered a structure of cultural heritage and adverse impacts should be avoided or minimised. Regarding impacts upon non-designated heritage assets, paragraph 216 of the NPPF states that:

*'The effect of an application on the significance of a non-designated heritage asset*

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*should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Therefore, the scales of harm upon the non-designated heritage asset shall be taken into account as a means of establishing the impacts upon the cultural heritage of the East Devon National Landscape.

The application proposes the introduction of a large parking area to the front of the barn. This parking space has been designed to accommodate a turning area for two vehicles and would be located along the Eastern (front) site boundary. This area would retain a stone wall that fronts the site and extend it through the introduction of pebble-filled gabion baskets. Planting is proposed either side of the wall and gabions and the parking area would use permeable material. Within the design and access statement, Figure 2 suggests that this planting would be domestic species. Given the sloping nature of the site, it is anticipated that considerable amounts of excavation are required to accommodate the parking area and retaining walls.

In addition to the parking area, a pathway to the dwelling will be created. This pathway will lead directly to the extension which projects beyond the side elevation of the barn. The extension would be finished in blackened timber cladding, feature large amounts of glazing and afforded a small, terraced area to its South (side) elevation. The extension, by virtue of its footprint, has been considered a substantial addition to the barn. It's visual impact upon local character would be reduced due to its position being predominantly located behind the barn. The entrance point would be visible and visually contrast the historic characteristics of the site and surrounding farm buildings.

The barn itself would be significantly altered by the introduction of a large extension which would increase the footprint of the barn by ~99%, roof light on the front elevation, blackened timber cladding on the gable-ends of the barn, large windows at ground floor level on both side elevations, three roof lights on the rear roof slope and, the existing large opening will be filled with glazing.

These alterations and landscaping would collectively domesticate a structure with an otherwise robust and uncluttered appearance. The introduction of openings, a large extension, roof lights, parking area and a domestic garden space would dilute the strong characteristics of a simple agricultural structure that is recognised as holding cultural heritage value. The extensive landscaping required to introduce a parking space would remove the open setting that characterizes a typical history of single farmstead ownership. When considering the proposed domestication of the agricultural structure in conjunction with the extensive development required to form the parking space, the proposal would not conserve or enhance the special landscape characteristics or cultural heritage of a site that forms part of the East Devon National Landscape. The proposal would therefore conflict with the requirements of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and criteria 1 and 3 of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the EDLP. It would also fail to further the purpose of the National Landscape

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## Residential Amenity

One letter of objection has been received raising concerns about the impact upon amenity. The site lies within 7-metres of the nearest dwelling (Burnthouse Cottage) which is located directly North of the site. Due to the sloping nature of the site and wider area, the barn is situated approximately 2-3 metres above Burnthouse Cottage. As such, the ground floor of the barn would be roughly level with the first floor of Burnthouse Cottage. The site boundary between the two properties is a large, dense hedgerow however, the site visit identified that this hedgerow can be very sparse during the winter months and afford a degree of transparency (Figure 3).

Whilst the properties are closely located, views between them would not be direct and would be partially obscured by the boundary treatment. The closest north-facing windows could reasonably be conditioned to use obscure glazing which would be an acceptable means of mitigating any impacts upon neighbour amenity. It can therefore be concluded that the ground floor windows, with a suitable condition, would not adversely impact on neighbour amenity. There are no first-floor windows proposed on this side elevation. The scheme would therefore align with the requirements of Policy D1 of the EDLP.

## Heritage

The council's conservation officer has produced the following report:

*This application relates to the conversion of a barn to create a new dwelling, including a rear single storey extension, within the setting of Grade II Burnthouse Cottage, Burnthouse Farm and Burnthouse Farmstead.*

### Setting

*In setting the development site is located south of Burnthouse Cottage and west of the historic stead associated with Burnthouse Farm located to the northeast.*

*Whilst it has proven difficult to determine if the barn subject to conversion is curtilage listed as part of the wider stead. There are similarities between construction techniques and the materiality adopted for both the redundant barn and the Grade II listed lincay to the east, that forms the historic stead to Burnthouse Farm, namely.*

*Lincay approximately 13 metres - south of Burnthouse Farmhouse Early or mid C19. Exposed red cob on stone rubble footing and wall ends of large roughly dressed blocks of local conglomerate sandstone; corrugated iron roof (formerly thatch). ... The crossbeams supporting the hayloft floor are set into the rear cob wall and tusk-tenoned into the posts. The posts support king post trusses. Roof is gable-ended and end walls are cob. The lincay forms part of an attractive group with Burnthouse Farmhouse.*

*In this respect it is deduced the redundant barn and lincay were constructed at similar times albeit the lincay is Grade II listed. Taking this into account, the redundant barn is considered to hold sufficient historic and architectural interest,*

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*through its location, age, construction techniques and materiality to be identified as a non-designated heritage asset.*

*In setting, the topography of Burnhouse's wider agricultural landscape to the west is such that the redundant barn is elevation above street level set behind a former stone structure now a ruin that is set off the back edge of the road directly opposite the grade II listed barn and linhay to the east,.*

### Proposed Works

*The main heritage issues to be considered through this application are therefore the effect the proposed works would have the barn as a non-designated heritage asset and in turn the setting of the Grade II listed building identified as Burnhouse Cottage to the north of the development site and Grade II listed Burnhouse Barn, Burnhouse Linay and Burnhouse Farm, located to the east and northeast of the development site.*

### Impact of proposed works

*The development proposal includes the conversion of the existing barn to accommodate ground and first floor including the introduction of a flat roof contemporary structure extending the west (rear elevation).*

*In context of the barns historic and architectural interest the works as proposed would result in the loss of the key characteristic features such as the king post trusses, which provide an insight into the barns period of construction and together with its materiality holds a relationship with the Grade II linhay located east of the development site. In addition, the proposed flat roof extension to the rear, is considered out of character as an urban approach to an inherently rural structure.*

*Turning to the changes to the immediate setting of the barn to accommodate a domestic layout. It is evident from the proposed site plan, the area of levelling required to accommodate the rear extension and hard landscaped for car parking to the front of the barn, is substantial in context of the scale of the site. Development works that undermine the agricultural setting of the barn and in turn fail to preserve the setting of the Grade II heritage assets located in the surround.*

*In assessing the value of the redundant barn's significance as a non-designated heritage asset, and the scale / severity of impact as a result of the development proposals, in accordance with the NPPF 24, para 216. The Magnitude of Impact Matrix identified by BS 79132013 Guide to the Conservation of Historic Buildings, has been considered in support of providing a balanced judgement of the assessment of harm.*

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BS 7913:2013

BRITISH STANDARD

Figure 2 Magnitude of impact plotted against value

VALUE	Very High	Neutral	Slight	Moderate/ Large	Large/Very Large	Very Large
	High	Neutral	Slight	Slight/ Moderate	Moderate/ Large	Large/Very Large
	Medium	Neutral	Neutral/ Slight	Slight	Moderate	Moderate/ Large
	Low	Neutral	Neutral/ Slight	Neutral/ Slight	Slight	Slight/ Moderate
	Negligible	Neutral	Neutral	Neutral/ Slight	Neutral/ Slight	Slight
	No change	Negligible	Minor	Moderate	Major	
MAGNITUDE OF IMPACT						

*In this context, The Heritage Value the redundant barn as a non-designated heritage asset is identified as Medium. Whilst The Magnitude of Impact of the proposed work is considered Large/Very Large. The combination of which results in **Moderate / Large Harm** through the magnitude of impact matrix.*

*In this respect the proposed development works will result in a Moderate to Large level of harm to the heritage value of the barn as a non-designated asset and fail to preserve the setting of the Grade II listed Burnthouse Barn, Burnthouse Linhay, Burnthouse Farm and Cottage. Failing to satisfy para's. 212, 216 and 219 NPPF 24 (as amended).*

**Not supported on heritage grounds.**

The council's conservation officer has reviewed the scheme and concluded that, due to the age of the barn, materials used and the construction techniques used, that the barn would be considered a non-designated heritage asset.

The conservation officers report has assessed the anticipated levels of harm that would result from the development and consider that the removal of 'king trusses', the landscaping works and the proposed extension would amount to moderate-to-large levels of harm to the non-designated heritage asset. The proposal would also be impactful by virtue of its failure to conserve and enhance the settings of Burnthouse Barn, Burnthouse Cottage, Burnthouse Linhay and Burnthouse Farm, all of which are Grade II designated heritage assets. The development would therefore result in less than substantial harm to these designated heritage assets. .

Paragraphs 212, 215, 216 and 219 require that any direct/indirect level of harm attributed to a designated/non-designated heritage should be justified and outweighed by public benefit. The public benefit in this instance would be the provision of a single dwelling in a district that cannot demonstrate a five-year housing supply and securing a viable use of a historical, redundant, agricultural building. The identified levels of harm to the non-

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designated heritage asset are moderate-to-large levels and less than substantial harm is attributed to the designated heritage assets. The proposal fails to preserve or enhance the setting of the adjacent listed buildings and the identified public benefits are of limited weight. This harm needs to be weighed against any public benefits in the planning balance

### **Trees, hedgerows and Ecology.**

The application does not propose the removal of any trees. The council's arboricultural officer does not raise any concerns.

The application has been accompanied by an Ecological survey which identifies the presence of a nesting Barn Owl and roosting bats. The council's ecologist has reviewed this report and identified issues relating to the justification of methodology and mitigation measures proposed:

*'The barn was assessed as having High potential for roosting bats (Collins, 2023). No evidence was found during the preliminary roost assessment.*

*Only two nocturnal emergence surveys were conducted. Therefore, further information is required to justify this methodology and to provide certainty that a maternity roost is not present, i.e., why a third emergence survey was not undertaken.*

*Section 4 'Bats' and the Summary states that works which will result in the destruction of bat roosts could be covered by a 'Natural England Low Impact Class bat licence'. A Bat Mitigation Class Licence (BMCL) is not applicable for this site due to the number of bat roosts (four) present, which exceeds the maximum count (three) applicable for BMCL. A full European Protected Species Licence (EPSL) is therefore required from Natural England, prior to commencement of works.*

*Until further information is provided in relation to the survey methodology it is not possible to confirm if the suggested mitigation is appropriate/sufficient for the impacts.'*

As such, they have been unable to assess whether the proposed mitigation measures are sufficient.

All British bats are protected by UK and European Legislation. It is an offence to purposefully or recklessly disturb, damage or destroy a Barn Owl nest. Assessing the impacts upon protected species is also a material consideration when determining planning applications. In the absence of a sufficient ecology survey, adverse impacts cannot be ruled out for certain. The proposal would therefore conflict with Policy EN5 (Wildlife Habitats and Features) of the EDLP.

### **Flood Risk and drainage**

The site is not located within flood zones 2 or 3. As such, there are no concerns regarding the impacts of flooding upon the proposal.

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The site proposes the use of a soakaway as a means of draining surface water. This is a suitable means of drainage and could be conditioned to ensure the proposal aligns with the requirements of Policy EN22.

The application proposes to discharge foul sewage into a package treatment plant which would discharge into the ground. This is an acceptable means of foul sewage drainage that demonstrates alignment with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems).

## **Housing need**

There is a presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF 2024. The site is located within a protected area (NL) as described within footnote 7 of the same document. This means that a presumption of favour should apply unless other policies within this framework provide a strong reason for restricting such development. The relevant framework policies would be paragraphs 189 and 190 which require great weight to be given to conserving and enhancing the special landscape as well as, policies 212, 215, 216 and 219 where harm must be weighed against public benefit. This report has identified that the proposed scheme would, on balance, fail to conserve the special landscape designation and, result in harm to both designated and non-designated heritage assets without sufficient levels of public benefit to outweigh such adverse impacts. As such, the proposal conflicts with these policies and the tilted balance does not apply.

Nevertheless the need for housing over the next five years is an essential consideration in planning decisions. If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

The District Council can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF and is therefore significantly short of the required figure. This needs to be weighed in the planning balance.

## **Planning balance**

The proposed development has been assessed against policies within the local plan and the NPPF. The development is located in the countryside where occupiers would be reliant on use of the private car. The proposal is considered harmful to a non-designated heritage asset and the settings of the adjacent designated heritage assets. Additional harm would be attributed to both the landscape and cultural heritage of the special National Landscape designation that is afforded to the site. The heritage and National Landscape harms are considered significant in this context. As such paragraph 11 (the tilted balance) of the NPPF is not engaged due to significant conflicts with the framework taken as a whole.

The benefit of one additional dwelling is of limited weight and is not outweighed by the anticipated levels of landscape and heritage harm.

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## Conclusion

The proposed development would result in visual and heritage harm and the submitted ecology report fails to sufficiently justify its methodology and proposed mitigation measures. Furthermore, the development is in an unsustainable location. As such, the proposal fails to align with National and Local policies and is unacceptable.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The site lies in the countryside where residential development is restricted. Furthermore, the proposed development, by reason of the distance to services and facilities required for daily living and the lack of safe and convenient alternatives to travel by car, would result in an unsustainable form of development with occupants of the dwelling reliant upon the use of a private motor vehicle for most journeys. As such the proposal would be contrary to the provisions of Strategies 3 - Sustainable Development, 5B - Sustainable Transport and 7 - Development in the Countryside and Policy TC2 - Accessibility of New Development of the East Devon Local Plan 2013-2031 and those parts of the National Planning Policy Framework which concern actively managing patterns of growth in support of the promotion of opportunities for walking, cycling and use of public transport and the environmental dimension of sustainable development.
2. Having regard to the extensive area of hard landscaping and retaining walls to accommodate the parking area and access and the large unsympathetic extension to the barn, the proposed development would result in a significant intrusion into the rural landscape that would adversely impact on the special character and the appearance of both the National Landscape and the street scene. In addition, the development would fail to further the purposes of the National Landscape. The proposal is therefore contrary to the requirements of Policy D1 - Design and Local Distinctiveness, Policy D8 - Re-use of Rural Buildings Outside of Settlements, and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Adopted East Devon Local Plan 2013-2031 and, Paragraphs 131 and 189 of the National Planning Policy Framework December 2024, Strategic Policy OL02 - National Landscapes (Areas of Outstanding Natural Beauty) and Strategic Policy SP06 - Development beyond Settlement Boundaries of the Regulation 19 Draft Local Plan 2025 - 2042 and, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act, 2023
3. The proposal, by way of the scale of the proposed parking area, associated groundworks, substantial extension and introduction of domestic features would result in moderate-large levels harm to a non-designated heritage asset. When read in conjunction with the settings of the adjacent listed buildings, the

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proposal would result in an incongruous addition to street that would fail to enhance or better reveal the significance of the adjacent Grade II listed buildings known as 'Burnthouse Cottage', 'Burnthouse Barn', 'Burnthouse Linhay' and 'Burnthouse Farm'. This would equate to less than substantial harm upon the setting of these designated heritage assets without the necessary public benefits to outweigh this. The proposal would therefore be contrary to the requirements of Policy EN8 (Significance of Heritage Assets and their setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031, Policy B1 (Heritage Assets and their Setting) of the East Budleigh Neighbourhood Plan and the National Planning Policy Framework 2024

4. Insufficient information has been provided to demonstrate that the works could be undertaken without harm to protected species or that the impacts of the development have been mitigated to their fullest practical extent. As such it has not been demonstrated that the proposal would not lead to harm to protected species, contrary to Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013-2031 and the NPPF 2024.

## 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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

### Plans relating to this application:

	Location Plan	05.12.25
2507-01	Proposed Combined Plans	05.12.25
2507-02	Proposed Elevation	05.12.25

## 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.

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### 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.