

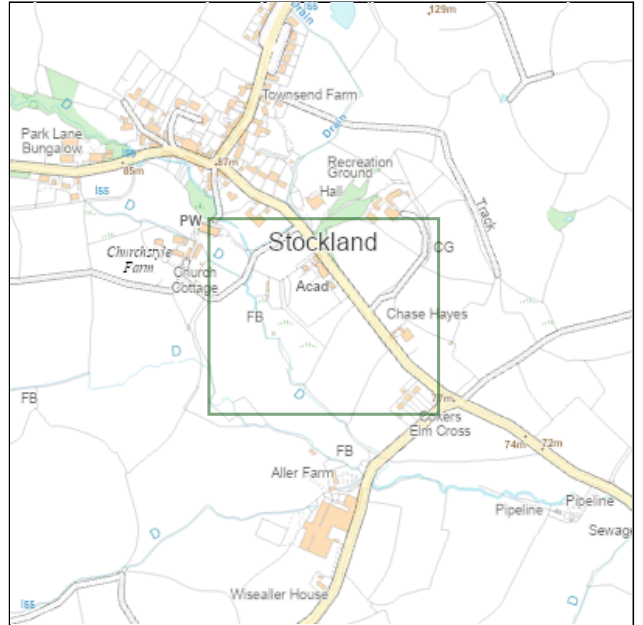
Ward Dunkeswell And Otterhead

Reference 25/2614/FUL

Applicant Mr and Mrs Emma and Nigel Parris

Location Land To The West Of Stockland C Of E Primary School Stockland

Proposal Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works.



RECOMMENDATION: Refusal



		Committee Date: 10.07.2026
Dunkeswell And Otterhead (Stockland)	25/2614/FUL	Target Date: 14/7/26
Applicant:	Mr and Mrs Emma and Nigel Parris	
Location:	Land To The West Of Stockland C Of E Primary School Stockland	
Proposal:	Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works.	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before Committee as the officer recommendation is for refusal, contrary to the views of the Ward Members.

The proposal is the re-building of a former building (used as a sawmill) and its use as a dwelling. The building would be constructed overlapping the footprint of a smaller barn, which is a remaining part of the original sawmill building (currently in agricultural use). It would be larger than the existing barn or the original sawmill building and partly subterranean, with the design of the non-subterranean part seeking to replicate the appearance of the original sawmill building. The proposed dwelling would be single storey and would have an associated garden, driveway and parking area. The proposal is a slightly revised version of an application that was refused, referenced 25/0039/FUL, with the access now being proposed from the southeast instead of the northwest, to avoid areas at risk of flooding.

In the absence of information suggesting that any part of the existing building would be incorporated within the re-instated building, the proposal does not represent a conversion, which might otherwise draw support from Local Plan Policy D8 (Re-use of Rural Buildings Outside of Settlements) in principle. The proposal is therefore considered to be a new building. The site is on the edge of the settlement of Stockland which does not have a Built Up Area Boundary and is thus in the open countryside. There is no specific policy support for the principle of the proposed dwelling, either through the Local or Neighbourhood plan.

It is acknowledged that the sawmill building existed but what remains of it is not a designated or non-designated heritage asset hence there is no heritage justification for the re-instatement of that building.

The site is within the Blackdown Hills National Landscape, within the setting of the Grade 1 listed St Michaels and All Angels Church and visible from the conservation area. The existing barn is a simple small scale open sided building with an agricultural character. The proposed dwelling is larger than the existing barn in all dimensions and it would incorporate features which are not present within the existing barn, such as extensive glazing, a different roof material and shutters. The Parish Council object to the large windows on the western elevation of the dwelling, highlighting that these fail to adhere to the Blackdown Hills Design Guide for houses. Whilst it is understood that the window design seeks to reference the character of the existing barn, the result of this is an extensive area of glazing which, together with the building's increased scale, its driveway, garden and the introduction of domestic paraphernalia, will result in the building appearing prominent and both the building and its setting appearing domestic.

As a result it is considered that the proposal fails to conserve the natural beauty of the National Landscape, contrary to the requirements of Strategy 46 (Landscape Conservation and Enhancement and AONBs). Historic England raise no objection to the proposal, however, the conservation officer raises several concerns, concluding that the proposal would harm the setting and thus the significance of heritage assets, contrary to the requirements of Local Plan Policy EN9 (Development Affecting a Designated Heritage Asset).

Whilst Stockland has some limited facilities and services to serve residents, occupants of the dwelling would be likely to heavily rely on car journeys to meet their everyday needs, contrary to the requirements of Local Plan Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development).

The dwelling is located within the catchment of the River Axe Special Area of Conservation where a proposal for a new dwelling must demonstrate nutrient neutrality. Although information has been provided in relation to this issue the proposal fails to accord with the foul drainage hierarchy (which indicates that the dwelling should connect to mains sewerage in this case) and fails to demonstrate that nutrient neutrality would be achieved in adhering to that hierarchy, in conflict with Local Plan Strategy 47 (Nature Conservation and Geology).

Although the proposal would make a small contribution towards housing supply and would offer minor social and transient economic benefits through supporting local services and generating construction activity, as indicated above, permanent environmental and social harms would also arise from it. It is not considered that the public benefits outweigh the identified harms and as such it is recommended that the application be refused.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr Colin Brown

2/3/26

I support this application to reinstate this barn for residential use, if the officers opinion is contrary to mine I would like it to go to committee where I will keep an open mind until I have listened to all the facts.

Dunkeswell And Otterhead - Cllr Yehudi Levine

12/2/26

The previous application to reinstate the farm was supported by me and I have no reason to withdraw my support as the current application answers the objections raised by officers at the time.

Parish/Town Council

10/3/26

The Parish Council have voted to abstain on this reapplication and remain neutral as it does nothing to address our concerns, which were expressed in response to the previous iteration of the planning application (25/0039/FUL), namely:

1) We have concerns about the design and extent of the floor-to-ceiling glazing on the west elevation of the proposed dwelling for two reasons. Firstly, the design of the windows is not in keeping with the Blackdown Hills AONB Design Guide For Houses, which is embraced by Stockland Neighbourhood Plan. This is particularly important since the proposed site is directly adjacent to the churchyard, which is a crucial element of Stockland's registered conservation area. Secondly the scale of the glazing facing the churchyard presents a privacy issue for any mourners attending the graveyard. Although we acknowledge that the overhanging flat roof is an effort to reduce the impact of the glazing, we recommend that the design and extent of the glazing be reviewed.

2) We do not consider the sliding louvres to be any mitigation to the concerns regarding the glazing, since these are not under the operation of the people who would be impacted. Furthermore, the louvres are not in keeping with the Blackdown Hills AONB Design Guide For Houses.

Technical Consultations

(Responses are summarised below. Full comments are provided at Appendix 1 where necessary).

EDDC Trees

The latest submitted Arboricultural Impact Assessment and Tree Protection Plan (TPP) are generally acceptable but the TPP needs revision to take account of the construction site compound (materials storage, parking etc.) and to address a gap in the tree protection fencing.

EDDC Environmental Health

Proposal acceptable subject to the imposition of a condition controlling construction hours/days.

EDDC District Ecologist

If non-mains sewerage connection is acceptable then the proposal could be screened out of the need to carry out a habitats assessment based on small scale thresholds, however if mains sewerage connection is required an appropriate assessment must be carried out.

EDDC Conservation

(The response is largely the same as that provided in relation to application 25/0039/FUL although the response takes into account the altered access arrangements).

Although the domestic appearance of the building is addressed to some degree through the use of design features such as recessed windows, timber posts and sliding louvres, the proposed building, particularly the west elevation, will still have a domestic appearance and will appear prominent from the churchyard of the Grade I listed St Michael's and All Angels Church and the conservation area, due to its location relative to these heritage assets. The amended driveway and parking would be slightly visible but would have neutral impact. Overall it is considered that the proposal would fail to preserve or enhance the setting of this listed building or to preserve views from the conservation area, causing less than substantial harm. In the case that the application is to be approved, however, conditions controlling materials and pointing are recommended.

Historic England

No objection. Pre-application advice has been provided to the applicant raising no objection but highlighted that details of materials of stone walling and hardstanding had been omitted and it is recommended that these details be secured by planning condition.

South West Water

The proposed discharge of surface water to ground meets the run off destination hierarchy and is acceptable.

DCC Historic Environment Officer

Devon County Council's Historic Environment Officer indicates that ground works for the development have the potential to expose and destroy deposits of archaeological interest. He therefore advises that a pre-commencement condition be imposed to require that archaeological evidence be investigated and recorded and that post investigation assessment also be carried out, in accordance with a written scheme of investigation, agreed with the Local Planning Authority in advance.

Blackdown Hill National Landscapes

The key consideration in this application is the extent to which the current application addresses the reasons for refusal of the previous proposal. If the application is to be approved we support conditions addressing the design of the curtilage, lighting, boundary and entrance design and materials and surfacing.

Other Representations

No representations raising objections have been received. 7 representations of support have been provided raising the following points:

The proposal would

- be in keeping with the area;
- would not be prominent;
- would not block important views;
- improve the attractiveness of the current site;
- be of good quality design which echoes the existing building which it would replace;
- maintain a sensitive relationship with St Michael's Church and safeguard an historic site/historic building;
- use appropriate materials;
- bring about ecological improvements;
- enable locally connected people to remain in the area;

The proposal would not:

- be at risk of flooding;
- generate additional motor vehicle traffic as the proposed occupants already live in the area;
- affect land important for agriculture as the land concerned has little agricultural value.

PLANNING HISTORY

Reference	Description	Decision	Date
25/0039/FUL	Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works	Refusal	18.07.2025

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

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

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

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN10 (Conservation Areas) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN16 (Contaminated Land) Adopted

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

EN21 (River and Coastal Flooding) 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 OL01 (Landscape features) Draft

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

Policy OL07 (Contaminated land) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy PB02 (Protection of regionally and locally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

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

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

Strategic Policy AR01 (Flooding) Draft

Policy HE02 (Listed buildings) Draft

Policy HE03 (Conservation Areas) Draft

Strategic Policy HE01 (Historic environment) Draft

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

Policy TR04 (Parking standards) Draft

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

Strategic Policy CC06 (Embodied carbon) Draft

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

Stockland Neighbourhood Plan (NP)

Stockland Neighbourhood Plan 2014-2031 (SNP)

NE1 Retaining and Enhancing the Natural Beauty of our Parish

NE3 Preserving Tranquillity and Our Dark Skies

BHE1 Protecting Our Values Archaeological and Heritage Assets in Stockland Parish

BHE3 Maintaining the Built Character of Our Parish through High Quality Design

TRA1 Off-road Car Parking

TRA2 Vehicular Access and Egress Arrangement

EE3 Farming and other rural businesses

Government Planning Documents

National Planning Policy Framework 2024 (as amended) (NPPF)

National Planning Practice Guidance (NPPG)

Other documents

Blackdown Hills National Landscape Management Plan 2019-2024

Historic England Advisory Note on the Reconstruction of Heritage Assets, available here: <https://historicengland.org.uk/content/docs/guidance/draft-reconstruction-of-heritage-assets-apr16-pdf/>

Site Location and Description

The site is located to the south of the village of Stockland, to the west of Stockland Primary School. It lies outside of any defined settlement boundary and is thus in the open countryside. It is within the Blackdown Hills National Landscape.

The site is currently occupied by a single storey open fronted barn with a shallow, mono-pitch roof of corrugated sheeting, supported on a timber framework. The barn has rubble stone walls at its northern and southern ends and on its eastern side. Its west (front) elevation is open and divided into a number of bays by supporting timber struts. The barn is partially cut into sloping ground on its eastern side. It is currently used for log storage.

The site includes agricultural land adjoining the barn to its immediate east, west and south as well as an area further to the south which is to provide a drainage field. Land within the adjoining field to the southeast is also included within the application site as a new access drive would be provided from the southeast. The agricultural land around the barn is currently used for grazing.

The land within the site slopes down to the west and a watercourse lies to the west of the site. The land to the northwest, west and south west of the site is within Flood Zones 2 and 3 and susceptible to surface water flooding, although the application site itself falls with Flood Zone 1. The main site area is partially enclosed by native hedge with some mature trees within/adjacent to the hedgerow.

There is an existing field gate in the northwest corner of the field within which the building is located which provides access onto an unclassified public highway. Whilst this was previously the proposed access to the site it is not included within the site subject to this revised application. To the northwest of the site, on the opposite side of the unclassified highway, lies the grade I listed St Michaels and All Angels Church and its graveyard. Other listed buildings (all grade II) also lie within the vicinity of the site including The Old Vicarage 90 m to the north (which is also the closest neighbouring dwelling) and Churchstyle Farm and Church Cottage, both of which lie to the northwest. The site is outside of but close to a conservation area, the closest edge of which runs along the edge of the churchyard. The site lies with the catchment of the River Axe Special Area of Conservation (SAC), which is also designated as a Site of Special Scientific Interest (SSSI). It overlies land which is classified as Grade 3 agricultural land.

Background

The current application is a slightly revised version of a previous application referenced 25/0039/FUL which was refused at planning committee in July last year. That application similarly proposed to reinstate and extend the existing barn to form a single dwelling. The application was refused for the following reasons:

1. The development is for the construction of a dwelling in the countryside partly on the site of an existing agricultural barn. On the basis of the information submitted, the extent of extension, alteration and reconstruction to create the dwelling is substantial, such that the development does not draw support from Local Plan Policy D8 (Re-use of Rural Buildings Outside of Settlements) and there is no other Local or Neighbourhood Plan Policy that would support it. The development would result in a new dwelling in the Countryside remote from a range of services and facilities, with occupants being reliant upon the use of private motor vehicles to meet their day to day needs and as such the proposal represents environmentally unsustainable development contrary to Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan and paragraphs 115 to 117 of the National Planning Policy Framework.
2. In the absence of a safe vehicular access route outside the high risk flood zones 2 and 3 and outside an area at risk of surface water flooding, the proposal fails the sequential test and is therefore contrary to the advice contained in paragraph 47 of Planning Practice Guidance, Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the East Devon Local Plan and paragraphs 173 through to 175 of the National Planning Policy Framework.
3. Due to its character and appearance it is considered that the proposed dwelling would be harmful to the setting and therefore the significance of the adjoining Grade I listed St Michael's and All Angels Church and whilst this harm would be less than substantial, the public benefits that would arise from providing a dwelling in this unsustainable location do not outweigh that harm. In addition, the site currently has an agricultural character and appearance and due to the domestic character and appearance of the dwelling and its garden and the likely introduction of domestic paraphrenia to the site in connection with the dwelling use, the proposal would fail to conserve and enhance the natural beauty of the Blackdown Hills National Landscape. Therefore the proposal conflicts with the requirements of Policy EN9 (Development Affecting a Designated Heritage Asset) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan, paragraphs 189 and 210 through to 215 of the National Planning Policy Framework and Policies BHE1 (Protecting Our Valued Archaeological and Heritage Assets in Stockland Parish), BHE3 (Maintaining the Built Character of Our Parish through High Quality Design) and NHE1(Retaining and Enhancing the Natural Beauty of our Parish) of the Stockland Neighbourhood Plan.
4. The site is within the catchment of the River Axe Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) which is in unfavourable condition and where development proposals must demonstrate nutrient neutrality and in the absence of information demonstrating otherwise, the proposed dwelling would have a harmful impact on that SSSI and SAC , in conflict with the requirements of Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan and paragraphs 193 and 195 of the National Planning Policy Framework.

The revised proposal is described in detail below. A key difference between the previous application and this one is that the application site has been reshaped to provide access to the main part of the site from the southeast rather than the northwest and an area on the western side of the former site has been removed from the current site, so that only a very small part of the site is within an area at risk of flooding.

Proposed development

As was the case with the previous application, it is proposed to erect a 2 bedroomed self-build dwelling partly on the footprint of the existing barn, which is the only building remaining of a former larger building known as 'Joyce Sawpit at Podgelake'. To the immediate south of the barn lie the remains of other walls of that original building. Supporting Information indicates that Joyce Sawpit was originally a sawmill, thought to be constructed in the mid to late 19th century and indicates that the original sawpit building had a larger footprint than the current barn and had a pitched roof (which has been replaced at some point by the current mono-pitched roof). The supporting information also explains that the proposal seeks to replicate the mass and form of the original single storey Joyce Sawpit building.

The proposed dwelling would essentially comprise 2 elements: a barn-like building, erected on and beyond the footprint of the existing barn, which would have a dual pitched roof including a small projecting hipped roof element (this barn-like building being intended to replicate the original sawpit building) and a (partially) subterranean extension to the east of this, which would provide additional accommodation space and internal storage space. It is noted that the original sawpit building which the proposal seeks to replicate did not include the eastern extension element. The proposed dwelling would be on one level to enable it to function as a 'lifetime home'. It is stated that the building is designed to be low energy, maximising solar gain, minimising overheating and enabling passive ventilation with heating being provided by a low energy system such as a ground source heat pump.

The barn-like part of the dwelling would have stone and timber clad walls, a sheet metal roof, full height glazing on its western elevation (which appears to be intended to replicate the openings of the original barn), timber sliding louvres capable of covering some of those west facing windows and a small projecting flat roof above most of the west facing windows. The subterranean extension would have rooflights and a green roof. Externally, to the immediate north of the dwelling, a level area would be cut into the existing ground slope which would be surfaced with gravel. This area is adjacent to the part of the building proposed to be used for storage, which was to be used for garaging in the previous application. The vehicular access proposed in this revised application would be from the southeast (it was previously proposed to be from the northwest), with no vehicular access linking to this levelled area. An area for parking, surfaced with 'grass grid' surfacing, is proposed to the south of the dwelling at the termination of a new, similarly surfaced, long access drive leading off the C-class public highway to the southeast of the site, through an existing access opening in a hedge. It is proposed to trim the roadside hedge to create a visibility splay onto the highway and the first 5 m of the access would be surfaced with concrete. Most existing trees and hedgerows within the site are

proposed to be retained, with a small section of hedge to the south of the site being removed to create a pedestrian access opening. A garden would be created around the dwelling which would include a patio to its west with a flowering lawn and low planting beds to the west of this. The area of lawn has been reduced compared to the previous application. To the north of the dwelling, a retaining wall with planting beds would be installed to the north and east of the gravelled area and a meadow is proposed to be created on and adjacent to the subterranean part of the dwelling. A new length of hedgerow is proposed to be planted to the west of the proposed parking area.

It is noted that some comments in support of the proposal are based on the assumption that the proposed dwelling would be for persons already living in the locality, however the proposal does not seek a personal planning permission (which might be tied to a specific occupant or occupants) as it seeks permission for an unrestricted dwelling, which could be occupied by anyone.

The application is supported by a Tree Survey, an Arboricultural Impact Assessment and Tree survey Tree Protection Plan (these documents having been revised since the application was initially submitted), an updated Ecological Impact Assessment, A Visual Structural Inspection report (Structural report) and Interim Guidelines on Small Scale Thresholds Report (Nutrient Neutrality report).

ANALYSIS

The current application proposes a similar form of development to that proposed under the previous application 25/0039/FUL which was refused for the reasons listed above.

The main issues for consideration are:

- the principle of the development;
- visual impact and impact on heritage assets;
- archaeological impact;
- ecological impact;
- impact on hedges and trees;
- highway safety.

Principle of Development

The Development Plan in this case consists of the Adopted East Devon Local Plan 2013-2031 (LP) and the Stockland Neighbourhood Plan 2014-2031 (NP).

Adopted East Devon Local Plan (LP)

LP Strategy 7 is one of the key policies relevant to the consideration of the application and this policy resists development in the countryside except where this is explicitly permitted by another policy of the LP or Neighbourhood Plan (NP).

There is no LP policy which specifically supports this proposal. LP Policy D8 (Re-use of Rural Buildings Outside of Settlements) supports the re-use and conversion of rural buildings, including for use as dwellings, however the submitted details clearly indicate that the proposed dwelling would replace the existing structure at the site (the applicant refers to the 'reinstatement' of the historic barn), as opposed to

converting it and this being the case the development is not supported by Policy D8. The Council are currently unable to demonstrate a 5 year housing supply therefore LP Strategy 7 is considered to be 'out of date' and in accordance with paragraph 11 of the NPPF the tilted balance applies. This means that except where policies in the NPPF protecting areas or assets of particular importance¹ provide a strong reason for refusing permission, or where the adverse impacts of a proposal significantly and demonstrably outweigh the benefits, planning permission should be granted. The assessment under the issue headings below considers various impacts including impacts on assets and areas of principle importance. Following the consideration of these issues, the planning balance makes a final assessment as to whether the proposal is acceptable overall.

Emerging East Devon Local Plan (eLP)

The new East Devon local plan is in preparation and reached second Regulation 19 publication stage. At this stage the policies within it can only be given limited weight. eLP Policy SP06 largely reflects the thrust of LP Strategy 7 in seeking to restrict development beyond settlement boundaries/site allocations unless explicitly supported by other policies of the plan. eLP Policy HN06 covers conversion of existing buildings in exceptional circumstances. Notwithstanding that the proposal is not a conversion, that policy also sets a limit of 30% extension to the building to be converted, which the proposal would significantly exceed in the case that the existing building fabric was proposed to be retained and converted.

Stockland Neighbourhood Plan (NP)

The NP includes policies on design which are relevant to the proposal which are considered further below but does not contain any policies that provide the explicit support required by LP Strategy 7.

NPPF

Paragraphs 82, 83 and 84 relate to rural housing.

Paragraph 82 supports housing development that meets local need however the proposal is for an open market dwelling rather than affordable housing to meet an identified local need and thus the proposal does not draw support from this paragraph.

Paragraph 83 seeks to promote sustainable development in rural areas through encouraging the location of housing where it would enhance or maintain the vitality of rural communities. It indicates that planning policies should identify opportunities for villages to grow and thrive to support local services, or (where there are groups of smaller settlements) services in a village nearby. The range of existing services available within Stockland is limited as although it has a school, pub and a village hall there are no shops or other community facilities and no public transport services supporting travel to services in nearby villages. There is no LP Policy which specifically promotes new rural housing within Stockland in order to support local services. The degree of support which occupants of the proposed single dwelling would provide for the existing services within Stockland would be very limited and

¹ The footnote to paragraph 11 in the NPPF indicates that the policies protecting assets of particular importance include (but are not limited to) those relating to SSSIs and habitats sites, National landscapes and designated heritage assets.

the proposal is therefore considered to derive only weak support from paragraph 83 of the NPPF.

Para 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

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;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. This paragraph applies to isolated homes in the countryside, however as the site closely relates to the settled area of Stockland the site is not considered to be isolated and as such that paragraph 84 is not applicable to the proposal. However, even if were applicable nothing within the application suggests that criteria a) or b) would apply and criteria d) is not relevant. The applicant suggests that criteria c) would be met by the proposal, however, as the proposal relates to replacing the existing building it does not constitute re-use of a redundant building and therefore criteria c) is not relevant. With regard to criteria e), whilst the application states that the proposal would provide a low energy highly insulated home and the design is considered to be of a high-quality it is not considered that the proposal meets the high bar of being of exceptional quality, of the highest standards in architecture, or truly outstanding and in the Council's view (as described in detail in the discussion below) the proposal would not enhance the setting or be sensitive to the characteristics of the local area. It is therefore not considered that the proposal draws support from paragraph 84.

The provision of a dwelling at the site would conflict with other sustainable development aims, namely the aim to promote sustainable transport, noting in particular that the walking routes between the site and the limited local services that are available are unlit and lack pedestrian footways. Taking all the forgoing points into account it is considered likely that occupiers of the dwelling would be likely to be heavily reliant on private transport for their everyday needs, in conflict with the aims set out in section 9 of the NPPF and LP Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of new development).

Given all the above points the proposal is not considered to accord with LP or NP policies or the policies of the NPPF in principle, however the overall acceptability of the proposal, taking into account its specific impacts and applying the tilted balance, is considered further under 'planning balance' below.

Visual Impact and Impact on Heritage Assets

The remains of the original sawmill building consist of an open sided barn and low remnant walls. The barn has a simple, utilitarian, rustic and agricultural character, is relatively small scale (compared to many modern agricultural buildings), is set into a slope and has an open sided form. These factors, together with the fact that the timber, stone and corrugated metal roof materials from which it is constructed are weathered and aged (softening its appearance) enable it to sit quietly within the surrounding agricultural landscape, despite the barn being clearly visible from public viewpoints at close range. From the southwest through to the southeast the site is bounded by agricultural fields, its wider context being an agricultural landscape containing small, scattered areas of settlement and farms. The site has an undeveloped, agricultural character. The barn and surrounding application site are visible from Grade I listed St Michaels church and its churchyard to the northwest (the church is approximately 40 m away from the barn) with the only nearby visible building from that viewpoint being the top of the Stockland school buildings, which appear slightly separate from the barn, given that it is set at a lower level. The natural landscape features within the site include hedges, trees and undulating topography which contribute to its natural beauty, in turn contributing to the natural beauty of the wider Blackdown Hills National landscape, of which it forms part.

Given the visibility of the barn from the church and churchyard the proposed dwelling and its garden would be similarly visible from these viewpoints. Information submitted with the application indicates that the proposal seeks to reflect the design and mass of the original sawpit building, however no information has been submitted to indicate that the original building had any special architectural or historic merit, which might justify its replication. Whilst some elements of the proposed new dwelling would broadly reflect the existing barn (e.g. the rectangular single storey form of the western part of the dwelling, the use of stone for the walls, the timber posts and the metal sheet roof), the proposed dwelling incorporates features and materials which are not characteristic of the existing barn, including an extensive subterranean element to the east, timber cladding, a flat projecting roof overhang to the front, rooflights, extensive glazing and timber louvre panels. The proposed dwelling also has a duo pitched roof including a projecting element, in contrast to the simple mono-pitched roof of the existing barn (although it is acknowledged that the historic photographs provided with the application indicate that the original sawmill building had a pitched roof with a projecting element). The conservation officer notes that archive images of the original saw mill building suggest that dividing masonry piers were likely to have been present on the western elevation rather than timber posts (as proposed) and she also considers that the standing seam metal roof does not appear to accurately replicate the original material of the barn roof. In response to her comments, the agent indicates that the proposed window design is intended to have a semi-industrial appearance and that this accords with advice provided to the applicant by Historic England. The agent also indicates that tinted or low reflectivity glazing could be used and that both the glazing and the type of metal roof finish could be agreed through planning conditions. No illustrative details of alternative glazing have been provided to enable the Council to consider whether its use could overcome concerns raised relating to glazing although in the case that permission were granted, it is agreed that the use of an appropriate roof material could be secured through a planning condition. Notwithstanding the agent's response to the conservation officer's comments, it is considered that her comments

indicate that the proposed reconstructed barn is not an accurate replication of the design of the original sawmill building. In a similar vein, it has not been demonstrated that the proposed barn-like element of the dwelling would be the same scale as the original sawmill building as no scaled drawings of the original building have been provided with the application. Even if the proposal did demonstrate that it represents an accurate reconstruction of the original sawmill building a key point is that this building is no longer present (historic photograph and map evidence suggests that original form was not present in 1999, although it appears to have been in existence in 1975) and therefore arguably, a building of the scale and form of the original building is no longer an established feature within the site or this area of the Blackdown Hills National Landscape.

The proposed dwelling is much larger than the building it would replace. Just the barn-like element alone exceeds the dimensions of the existing barn, it being just over 2 meters taller to the ridge of its roof, over 9 meters longer and 1.9 meters wider². This being the case, the proposed dwelling would appear more prominent within the landscape than the existing barn. In addition, the inclusion of the extensive area of glazing on the western elevation of the dwelling, together with the creation of a domestic garden, a new surfaced driveway, turning and parking area and introduction of domestic paraphernalia would alter the character of the site, making it appear domestic rather than agricultural. Therefore, notwithstanding that the design of the building may to some extent replicate that of a building which was once present at the site, it is not considered that the proposal would enhance the existing rural character of site.

The Parish Council's comments indicate that the concern they previously raised in relation to the large west facing windows and louvres not adhering to the Blackdown Hills Design Guide for Houses still stands. The Design Guide makes no reference to external shutters being locally distinctive and indicates that houses within the Blackdown Hills area tend to have small windows with multi-paned frames, however notwithstanding that guidance, it is understood that the proposed large windows are likely to be an attempt to replicate the original building's character and appearance. Given that the windows are large it is understood why louvres are proposed to cover them, although the Parish Council's point that these may not be routinely closed is considered to be a valid one. Although the reasons for the large windows and louvres are understood, concerns remain that the proposed building would not conserve the character of the existing building or the immediately surrounding area.

Whilst existing trees and most of the existing hedgerow are proposed to be retained and low planting together with a small length of new hedge is proposed, the proposed landscaping does not clearly delineate the residential curtilage (which would help to define and contain it over time) and is not considered that the proposed planting would mitigate the visual impact of the proposal as it would not screen the dwelling and its garden from public view.

² The roof of the existing barn slopes down along the length of the building but has a maximum height of 84.6 m Above Ordnance Datum whereas the ridge height of the re-instated barn would be 86.7 m AOD (taken from the section drawing). The length of the existing barn building (taking the building to be the part which has a roof) is 17.1 m whereas the length of the re-instated barn element would be 26.4 m. The width of the existing barn building is 4.6 m whereas the width of the re-instated barn element would be 6.5m.

Overall, taking all the forgoing points into account, it is considered that the proposal would fail to conserve and enhance the natural beauty of the National landscape, in conflict with the requirements of LP Strategy 46 and the Council's duty to further the statutory purposes of protected landscapes, which are reflected in that Strategy.

Turning to the question of how the proposal impacts on heritage assets it is important to note that the remains of the sawmill building proposed to be rebuilt is not a designated or a non-designated heritage asset that is required to be safeguarded. Even if this were the case, Historic England advice (listed under 'Other Documents' above) indicates that reconstruction of a heritage asset will not always be appropriate, explaining that this will depend on a number of specific circumstances, including whether a good record of the asset prior to damage is available to enable accurate reconstruction rather than speculative recreation. In the case of this proposal, it has not been demonstrated that the proposal represents an accurate reconstruction of the sawmill building and given that the remaining barn is not a heritage asset there appears to be no justification for its replication anyway. Historic England advice also indicates that in some circumstances, the fact of loss or damage of a heritage asset may itself be of high significance, for example where the primary value of a site comes from the potential to provide evidence about past human activity. The advice goes on to suggest that in such circumstances it may not be appropriate to undertake reconstruction work. Given that the remains of the original sawmill do not constitute a heritage asset it's retention in its current form is not safeguarded either.

Historic England have been consulted on the proposal with regard to impact on the setting of the adjacent Grade 1 listed church and raise no objection. It is noted that they do not advise that the development of the site would enhance or better reveal the significance of nearby heritage assets, which if it did, would weigh in favour of the proposal in accordance with LP Policy EN9.

The Council's conservation officer advises that the existing building is within the setting of the churchyard of the nearby Grade I listed church and that it currently makes a negative contribution to that setting due to its poor state, although its function makes a neutral contribution. She considers that the extensive glazing on the west elevation of the proposed dwelling would create a domestic appearance which will be prominent when viewed from the churchyard, directly opposite. She notes that this has been addressed to some extent by recessing the windows and introducing timber posts in front of the glass to break up the elevation. As indicated above, the conservation officer considers that some of the materials and design features (e.g. the timber posts and standing seam metal roof material) are not authentic treatments. Whilst she considers that the proposed sliding louvres would go some way towards hiding the expanse of glazing she is unconvinced that they will sufficiently hide the domestic nature of the building, noting that this is predominantly a new construction. She considers that the proposed new access would have a neutral impact on the setting of the listed church and the conservation area. With regard to the overall impact of the proposal, the conservation officer is concerned that it would change the character of the site to residential, particularly given the prominence of the west elevation of the dwelling in the context of the churchyard and the conservation area, which results from both its position within the hillside approximately facing those areas and its proximity to them. She concludes that the

proposal fails to preserve or enhance the setting of the listed church or preserve views out of the conservation area and that the submitted justification for the development is neither clear nor convincing, identifying harm to these assets (at a level of less than substantial harm).

Taking into account the conservation officer's advice, it is the opinion of officers that the proposed development would result in harm to the setting of designated heritage assets and in accordance with LP Policy EN9, less than substantial harm to the significance of a heritage asset must be weighed against the public benefits of the proposal and this is addressed under 'planning balance' below.

In the case that the application is to be approved the conservation officer advises that conditions be imposed to require details of pointing and to control the materials used including to ensure the roof covering is corrugated sheeting rather than standing seam.

Archaeological Impact

Noting the comments of Devon County Council's Historic Environment Advisor it is recommended that in the case that permission is granted the officer's recommended condition be imposed. With that condition in place the proposal would accord with the requirements of LP Policy EN6 (Nationally and Locally Important Archaeological Sites).

Ecological Impact

As a self build development the proposal is exempt from Biodiversity Net Gain requirements.

The site is within the catchment of the River Axe Special Area of Conservation (SAC) and in March 2022, Natural England advised the Council that this SAC is in unfavourable condition due to phosphate pollution. Given that the proposed development is the erection of a dwelling, in accordance with Natural England's advice, the proposal is considered to have the potential to have a harmful impact on the SAC and can only be considered acceptable if it demonstrates nutrient neutrality and a Habitats Regulations Assessment concludes that no harmful impact would arise. For sites where connection to mains sewerage is not feasible, an application can be accompanied by a 'Small Scale Thresholds' assessment and where that assessment demonstrates that specified thresholds guidelines are met, an application can be screened out of the need to carry out an assessment under the Habitats Regulations. However, where connection to mains sewerage is feasible, national planning guidance indicates that in order to be environmentally acceptable, developments should adhere to a foul drainage hierarchy and connect to mains sewerage rather than relying on non-mains foul drainage measures such as package treatment plants or septic tanks. The guidance indicates that connection to mains sewerage is considered to be feasible where a site is within 30 metres of a public sewer. The relationship between the site and the nearest main sewer was not indicated on the site drainage plan submitted with the previous application, however this relationship is shown on the site drainage plan included with the current application and it is noted from that plan that the application site is approximately 20 meters from the main sewer. Therefore, in accordance with the hierarchy, the dwelling should connect to the mains sewer. The application provides a completed

foul drainage assessment form (i.e. form FDA, the completion of which is a national requirement wherever non mains drainage is proposed) which indicates that there is a lack of capacity in the mains sewer and that for this reason non-mains foul drainage is proposed, supported by a Small Scale Thresholds report. However, the guidance on form FDA indicates that "a lack of capacity in, or other operating problems with, the public sewer are not valid reasons to use a non-mains drainage system where it is otherwise feasible to connect to a public sewer". This has been drawn to the agent's attention and in response the agent indicates that it is not feasible to connect to the mains sewer and argues that in assessing the feasibility of connection, it is the distance between the dwelling and the mains sewer that should be taken into account rather than the distance to the site, that distance being 32.59 meters in this case (thus exceeding the 30 meter threshold). Furthermore, the agent argues that due to the internal drainage layout of the dwelling and site levels, the effective connection distance would be greater than 32.59 meters and that forcing the applicant to connect to mains sewerage would be disproportionate, such that the proposed non-mains foul drainage arrangement (a package treatment plant) should be considered acceptable and the Small Scale Thresholds report should be considered. It remains the Council's view, however, that the 30 meter threshold relates to the distance between the sewer and the application site boundary (similarly to the how this threshold is applied within with Building regulations Approved Document H) and in the absence of robust evidence that connection to mains sewerage is not feasible (such as evidence of refusal for a proposed connection from the sewerage undertaker or details of the engineering works required to make such a connection and associated costs) the Council consider that the proposed dwelling should connect to mains sewerage. In addition to proposing a mains sewerage connection, given that the site is within the catchment of the River Axe SAC, the application should have been accompanied by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) relating to the nutrient impacts associated with providing foul drainage through mains sewerage, however no NNAMS has been provided.

Given that mains sewerage connection has not been proposed the proposal conflicts with the guidance at paragraph 020 of Planning Practice Guidance 'Water supply, wastewater and water quality (Reference ID: 34-020-20140306) and the requirements of paragraph 187 e) of the NPPF relating to the prevention of unacceptable water pollution. In addition, as a NNAMS has not been provided the application fails to demonstrate that it would not harm the River Axe SAC, contrary to the requirements of Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan. It is therefore recommended that the application be refused for the above reasons. This is similar to refusal reason 4 of the previous application although the specific reference to the failure to adhere to the drainage hierarchy is additional, given that information submitted with the current application suggests that a mains sewerage connection would be feasible.

With regard to other potential impacts on ecological interests, the submitted ecological report includes measures to avoid and mitigate for impacts on wildlife/habitats and for wildlife enhancement. In the case that permission is granted it is recommend that a condition be imposed to require that these measures are adhered to, which would ensure that the development accords with LP Policy EN5 in relation to direct impacts on habitats and features.

Impact on Hedges and Trees

The tree officer has considered the latest revised arboricultural assessment and tree protection plan. Whilst these are generally acceptable, omissions have been identified such that in their current form, these documents fail to demonstrate that existing trees and hedges would be adequately protected and the proposal conflicts with LP Policy D3 (Trees and Development Sites). Notwithstanding this, in the case that the application were to be approved it is recommended that a pre-commencement condition be imposed to require that a revised version of the Tree Protection Plan be submitted for approval.

Highway safety

No comment has been received from the highway authority in relation to the proposed access to the dwelling or the impact the dwelling would have on the safe and satisfactory operation of highway network. The lane from which the site would be accessed is likely to be lightly trafficked, such that the use of the proposed access point is considered unlikely to present a risk to highway safety. The additional traffic associated with the proposed dwelling is likely to be modest and it is therefore not considered that the proposal would be likely to adversely affect the operation of the highway network. Sufficient parking would be available within the site for parking for the scale of the dwelling proposed. The proposal is therefore considered to comply with LP Policies TC7 (Adequacy of Road Network and Site Access) TC9 (Parking Provision in New Development).

Other issues

Flooding and Surface Water Drainage

Compared to the previous application referenced 25/0039/FUL, the site area has been reduced exclude areas within Flood Zones 2 and /3 and areas susceptible to surface water flooding and therefore the development is not considered to increase flood risk and the sequential test does not need to be applied.

Surface water is proposed to be dealt with through sustainable drainage measures although no details of that drainage have been provided. No objection has been raised by South West Water. Given that the site is currently occupied by a building with an impermeable roof, that the reinstated barn element would be partly on the footprint of the existing building, that the extended element would incorporate a green roof (which would reduce water run off rates) and proposed grass-grid surfaced driveway and parking area would be permeable it is not considered that significant additional surface water drainage capacity would be required for the development. Nevertheless, in the case that permission is granted it is recommended that a pre-commencement condition be imposed to require details of surface water drainage.

Amenity Impacts

There are no neighbouring dwellings close to the site and therefore no adverse impacts on residential amenity are likely to arise. Taking into account nationally described space standards the floorspace of the proposed dwelling is considered to be adequate and given that the dwelling would provide sufficient outdoor amenity and storage space for bins and bicycles it is considered that it would provide

adequate amenity for future occupants and comply with LP Policy D1 (Design and Local Distinctiveness).

The Parish Council's concern regarding the potential for mourners in the graveyard to be overlooked from the dwelling is understood, however the graveyard is a space which can be used by different individuals or parties of visitors at the same time and it is therefore not considered that any visitor can reasonably expect privacy within the graveyard.

The environmental health officer's recommended condition to control construction impacts is recommended to be imposed in the case that permission is granted.

Overall, the amenity impacts of the proposal are considered to be acceptable.

Loss of Agricultural land

The site is on grade 3 b agricultural land, which is not 'Best and Most Versatile' (BMV) agricultural land. Even if it were, the proposal would only result in the loss of a small amount of agricultural land and in the case that the proposal was considered to be acceptable in all other respects, the loss of a small amount of BMV land would be outweighed by the benefit of the provision of a self-build dwelling, such that the proposal would accord with the requirements of LP Policy EN13 (Development on High Quality Agricultural Land) .

Contaminated Land

In response to a consultation on the previous application at this site the Environment Agency advised that a condition be imposed relating to contaminated land. The Environment Agency have been consulted on this application but have not commented, however the Council's contaminated land officer has advised that a watching brief condition be imposed, considering the historical use of the site. In the case that permission is granted and it is recommended that the condition be imposed to ensure that the development complies with LP Policy EN16 (Contaminated Land).

Planning balance

The principle of the development is not supported by any LP or NP policy and the proposed development does not meet any of the NPPF criteria which would support the provision of a dwelling in a rural area.

The proposed dwelling would provide a small degree of support for local services, would contribute to economic activity during its construction and would make a small contribution towards housing supply which weighs slightly in its favour, however occupants of the dwelling would strongly rely on private motor vehicles to access employment and most of the services required in daily life and this weighs against the proposal.

With regard to applying the tilted balance in favour of sustainable development, footnote 7 to paragraph 11 of the NPPF indicates that where NPPF policies protecting assets and areas of particular importance provide strong reasons for refusing the development the tilted balance should not be applied. The footnote indicates that designated heritage assets, National Landscapes and habitats sites

are assets or areas of principle importance. The proposed development conflicts with NPPF policies relating to each of these designations, as described below.

The proposal would harm the setting of the Grade I listed St Michaels church, a designated heritage asset, in conflict with NPPF policies set out in paragraphs 208 through to 215. These policies require planning authorities to avoid or minimise conflict between a heritage asset's conservation and a proposal, giving great weight to an asset's conservation, (the more important the asset, the greater the weight), irrespective of whether the potential harm is substantial, total or less than substantial.

The proposal would harm the Blackdown Hills National Landscape in conflict with the policy set out in paragraph 189 of the NPPF which indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes and requires that adverse impacts be avoided or minimised.

Through failing to accord with the foul drainage hierarchy or demonstrate nutrient neutrality in relation to a mains sewerage connection (as required by that hierarchy) the proposal would also potentially harm a habitats site (the River Axe SAC) in conflict with the policies contained in paragraphs 192 to 194 of the NPPF which seek to safeguard designated habitats sites (in this case the River Axe SAC).

In addition, paragraph 195 of the NPPF indicates that unless an appropriate assessment concludes that a project will not affect the integrity of a habitats site, (alone or in combination with other projects) the presumption in favour of sustainable development does not apply.

Given the conflict of the proposal with the NPPF policies listed above the titled balance is not applied. It is considered that the identified harms of the proposal relating to need to travel, heritage and landscape impacts and impact on a habitats site outweigh its minor benefits.

The applicant suggests that there is a fall back position to this application whereby an application could be made to convert the existing barn building to form a dwelling rather than rebuild it, so that the proposal could accord with LP Policy D8. This argument is supported by a letter from a Structural Engineer indicating that the existing structure is in a suitable condition to be converted to habitable accommodation. Whilst the conversion of the existing building could find support through Policy D8 in principle, any application made would have to satisfy the various provisions of that policy (provided at Appendix 2) which include a requirement to enhance the rural setting of the site and the surrounding area through proviso 1 and a requirement not to harm the countryside by way of parking, storage etc. through proviso 4. Given the public visibility of the site and its setting within the National Landscape it is not considered likely that the conversion of the barn to a dwelling would be able to meet these requirements. In any case, to be considered acceptable, any fall back application would still need to demonstrate that no unacceptable harmful impact on the setting of the Grade I listed St Michael's church would arise and it would also need to demonstrate nutrient neutrality in relation to the River Axe SAC, neither of which have been demonstrated. A smaller scale conversion proposal would also need to demonstrate that Nationally Described

space standards would be met, however no information has been provided to indicate that they would be. Given the above it is not considered that it has been demonstrated that a fall back position exists.

Consequently, as the identified harms of the proposal are considered to outweigh its benefits, on balance it is considered to be unacceptable and it is recommended that permission be refused.

Conclusion

The proposed dwelling offers minor benefits including making a small contribution to housing supply, providing economic activity during its construction and the small degree of support which occupants would provide to the limited services within Stockland. These minor benefits are, however, considered to be outweighed by the harm which the proposal would cause to the significance of a heritage asset, the adverse impact on the Blackdown Hills National Landscape, the lack of support for sustainable modes of travel and risk of harm to the environment through failing to accord with the foul drainage hierarchy and provide mitigation for impacts on the River Axe SAC that arise from adherence to that hierarchy. Overall, therefore the proposal is considered to be contrary to local and national policy and it is recommended that the application be refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The development is for the construction of a dwelling in the countryside partly on the site of an existing agricultural barn. On the basis of the information submitted, the extent of extension, alteration and reconstruction to create the dwelling is substantial, such that the development does not draw support from Local Plan Policy D8 (Re-use of Rural Buildings Outside of Settlements) and there is no other Local or Neighbourhood Plan Policy that supports it. The development would result in a new dwelling in the Countryside remote from a range of services and facilities, with occupants being reliant upon the use of private motor vehicles to meet their day to day needs and as such the proposal represents environmentally unsustainable development contrary to Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan and paragraphs 115 to 117 of the National Planning Policy Framework.
2. Due to its character and appearance it is considered that the proposed dwelling would be harmful to the setting and therefore the significance of the adjoining Grade I listed St Michael's and All Angels Church and whilst this harm would be less than substantial, the public benefits that would arise from providing a dwelling in this unsustainable location do not outweigh that harm. In addition, the site currently has an agricultural character and appearance and due to the domestic character and appearance of the dwelling and its garden and the likely introduction of domestic paraphrenia to the site in connection with the dwelling use, the proposal would fail to conserve and enhance the natural beauty of the Blackdown Hills National

Landscape. Therefore the proposal conflicts with the requirements of Policy EN9 (Development Affecting a Designated Heritage Asset) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan, paragraphs 189 and 210 through to 215 of the National Planning Policy Framework and Policies BHE1 (Protecting Our Valued Archaeological and Heritage Assets in Stockland Parish), BHE3 (Maintaining the Built Character of Our Parish through High Quality Design) and NHE1 (Retaining and Enhancing the Natural Beauty of our Parish) of the Stockland Neighbourhood Plan.

3. Connection to mains sewerage is not proposed however given that the site is within 30 metres of a mains sewer, in the absence of information demonstrating otherwise, it is considered that mains connection would be feasible and that the development should connect to mains sewerage in accordance with the drainage hierarchy set out in Planning Practice Guidance 'Water supply, wastewater and water quality', in order to be environmentally acceptable and to accord with the requirements of paragraph 187 e) of the National Planning Policy Framework and Policy EN14 of the East Devon Local Plan. In addition to proposing mains sewerage connection, given that the site is within the catchment of the River Axe Special Area of Conservation (SAC), the application should have demonstrated nutrient neutrality through a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) relating to mains sewerage and as this has not been provided the application fails to demonstrate that it would not harm the River Axe SAC, contrary to the requirements of Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan and paragraph 187a) of the National Planning Policy Framework.

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:

157/001 E	Location Plan	08.05.26
157_100 I	Proposed Site Plan	08.05.26
157/110 D	Proposed Floor Plans	19.12.25
157/111	Proposed roof plans	19.12.25
157/120 C: N/W	Proposed Elevation	19.12.25

157/121 B: S/E Proposed Elevation 19.12.25

157/130 C: PROPOSED Sections 19.12.25

VISIBILITY SPLAY Other Plans 19.12.25

157_101 B: PROPOSED Landscaping 08.01.26

157/103D: Proposed site drainage plan Drainage plan 28.05.26

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.

APPENDIX 1 – Full consultee comments

Full comments from Historic England

20/2/26

Our ref: P01604387

Historic England Advice:

Historic England has provided several letters of pre-application advice, and two letters of planning advice in relation to various iterations of these proposals. Our planning advice was in related to planning application 25/0039/FUL.

Our most recent letter of advice dated 17 April 2025 raised no objection to the proposals but highlighted that the materiality of the stone walling and hardstanding had not been included within the application documents.

This is still the case, and therefore, we recommend that your authority should secure these details via appropriate worded conditions attached to any consent.

Recommendation:

Historic England has no objection to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

Harish Sharma

Assistant Inspector of Historic Buildings and Areas

Full comments from Conservation Officer

Significance and background

The proposal site is on a small hillside on the edge of the rural settlement of Stockland and is directly outside the boundary of the Stockland Conservation Area. The existing building on the site is set into the hillside and is an open sided single-storey structure with a corrugated flat roof and some masonry walls which appears to be in a semi-derelict condition and is currently in use as a woodshed. The historic map of 1888-1890 shows a longer structure which extends further to the south, and archive images show a single storey barn with a pitched roof, although a large section of the original building is no longer extant.

Directly to the north-west of the site boundary on the opposite side of a narrow lane is the Grade I listed St Michael's and All Angels Church which dates to the 13th century and is set within a churchyard with stone boundary walls. Although hidden from view from the church to some extent by mature trees within the churchyard, the structure is directly within the setting of the churchyard. In its current poor state it makes a negative contribution to this setting, while the existing function is not unusual in this context and makes a neutral contribution.

Assessment

The application proposes to broadly replicate the historic barn in its previous form as evidenced in archive images, with the addition of a flat roof along the front elevation and a rear extension set into the hillside, along with external landscaping and a gravel driveway from the lane to the west.

As the design of the dwelling is no different to the refused application 25/0039/FUL, my response remains the same - see below:

In terms of design, the proposed dwelling is a linear single storey structure constructed in natural stone with extensive glazing on the west elevation and a rear extension set into the hillside. The glazing creates a domestic appearance which will appear quite prominent when viewed from the churchyard which is directly opposite the site. This has been addressed to some extent by recessing the windows and introducing timber posts in front of the glass to break up the elevation and broadly reflect the historic character of the existing open sided bays, although the original posts appear from archive images to have been more substantial masonry piers which would be a more authentic treatment for the elevation. External timber sliding louvres with horizontal slats are set in front of the masonry when open and will obscure the glazing when (and if) they are closed. Although these design features will go some way towards hiding the expanse of glazing, I am unconvinced that they will sufficiently hide the domestic nature of the building which is predominantly a new construction, and I do not feel that it will preserve or enhance the setting of the listed church or preserve views out of the conservation area.

In terms of other elements of the proposal, the roof is a standing seam sheet with a flat roofed overhang to the front is proposed. This is quite industrial in nature, and I feel that if the application is supported, a corrugated sheet roof or natural slate covering would be more traditional in this context.

Roof lights are located on the rear pitch where they are hidden from view from the conservation area and church, and the rear extension is set into the hillside and has a green roof so that it blends into the landscape. A car port is incorporated into this rear structure and the parking is at the rear of the building where vehicles will be hidden from view. A driveway is proposed, leading from the lane to the west and running alongside the hedge on the northern boundary of the site. This will also change the character of the site by introducing a new surface, although it is quite a sensitive surface treatment in this context.

In terms of the impact on setting, elements of the proposal are felt to be well-considered, with the rear of the building set into the hillside to minimise its impact and the main range follows the line of the original building which was intact until the

late 20th century. However, I have concerns about the change in character of this site to residential, with the dwelling and particularly the west elevation prominent in context with both the churchyard and conservation area because of its proximity and hillside location. On balance I do not consider that the proposal preserves or enhances the setting of these heritage assets or the submitted justification to be clear and convincing. The level of harm is less than substantial and there are clearly private benefits, however the public benefits are not considered to outweigh this harm.

The proposed development would directly impact on statutorily designated heritage assets (the Grade-I listed church and the conservation area), and has been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 213, 215 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

Recommendation: Concerns as harmful to the setting of the heritage assets -assess as part of the wider planning balance.

Recommended conditions

If the application is supported, the following conditions should be applied.

- o Roof covering to be corrugated sheeting, not standing seam.
- o External material samples to be submitted for approval, to include stonework and pointing, timber louvres, roof covering. These should include colour and finish.
- o Pointing shall be flush, sample panel to be submitted for approval.

Sue Brooks
Conservation Officer
26 February 2026

28/5/26

In terms of impact on the setting of the church and conservation area, the amended location of the driveway and parking would have a neutral impact on this setting. The previous proposal showed that cars would be parked within the car port, whereas they are now parked outside. Given the topography, they would be slightly visible from the church yard.

My comments regarding the building remain the same.

Full Comments from Blackdown Hills National Landscape Partnership

6/3/26

Thank you for requesting comments from the Blackdown Hills National Landscape Partnership on this application.

The primary purpose of the AONB designation is to conserve and enhance natural beauty, and this is supported by national planning guidance which advises that great weight should be given to conserving and enhancing their landscape and scenic beauty. Further, all relevant authorities, including local planning authorities, have a duty to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions. We support our constituent local planning authorities in the application of their development management policy framework together with national planning policy in this respect.

In support of this, the Blackdown Hills National Landscape Management Plan 2025-2030 is the agreed policy framework for conserving and enhancing the designated AONB and seeks to ensure that all development is of the highest quality. It contains the following policy considered to be particularly pertinent to this proposal:

PL16 All development affecting the Blackdown Hills National Landscape should conserve and enhance natural beauty and special qualities by:

- o Respecting landscape character, settlement patterns and local character of the built environment
- o Being sensitively sited and of appropriate scale
- o Reinforcing local distinctiveness
- o Seeking to protect and enhance natural features and biodiversity

With regard to the above, it is considered that key to this application is to what extent it is materially different and successfully addresses the reasons for refusal of the previous proposal.

Should the local planning authority be minded to approve this application we would support appropriate conditions to address, among other things, the design of curtilage and ancillary features such as lighting, boundary and entrance design and materials, and surfacing.

Full comments from EDDC Environmental Health Officer

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Having checked our Contaminated Land Register, the site is not showing as any Potentially Contaminated Land. However, given the historical land use of the site it's reasonable to attach the following Con land watching brief condition: Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the

contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Full comments from Arboricultural Officer

13.2.26

I have reviewed the proposed site plans and the arboricultural report & plans prepared by Nick Baxter. I note from the proposed site drainage plan that the new drainage arrangements will be within the traditional orchard area, however the impact of this on the trees has not been assessed and the details are not shown on the tree protection plan (TPP). Can this be addressed and the drainage details be incorporated into the TPP with any appropriate mitigation measures indicated and described.

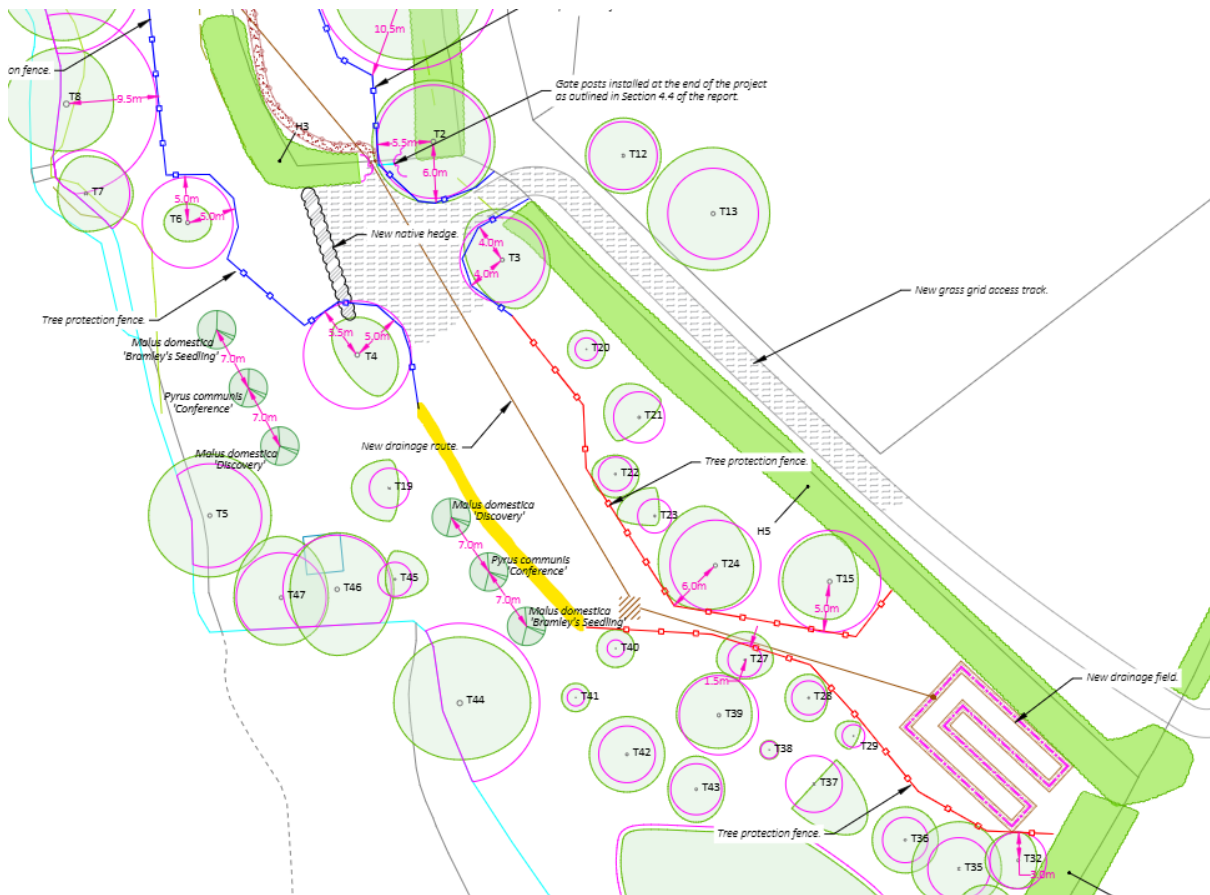
I also note that no new planting is proposed to compensate for the removal of hedging required for the visibility splays and internally to the site. I would like to see a suitable landscape scheme that might include planting to enhance the traditional orchard habitat.

10.6.26

I have reviewed the revised TPP, AIA and new tree & hedge planting proposals, and can make the following comments:

The revised documents are generally acceptable but the final version of the TPP will need to include location of the site compound - materials storage area, contractor car parking, welfare and toilet facilities- this can be covered in a suitable condition if the application is approved.

I did pick up one point with the TPP – there is a gap in the tree protection fencing shown between T4 & T40 on the west side of the drainage run – this ought to be addressed to ensure the CEZs are demarcated and the trees in this area safeguarded. I have marked this in yellow highlighter on the below screenshot



Example condition:

1) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Planning Authority.

2) The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturist and submitted to the Planning Authority for approval and final discharge of the condition.

Notwithstanding this requirement the following restrictions shall be adhered to:

3) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving

the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

4) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. The Location of the site compound shall be indicated on the TPP.

5) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority

6) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of any existing, replacement or new above and below ground services, foul and surface water drainage and other infrastructure - insofar as they may affect existing trees- shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. Street Works UK: Publications Volume 4 – Guidelines for the planning, installation, and maintenance of Utility apparatus in proximity to Trees). Such layout and design and implementation shall provide for the long term retention of the trees and hedgerows. Any unavoidable but necessary root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement / approved service / drainage/infrastructure layout.

Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

Full comments from EDDC Ecologist

I did raise this on the previous submission, but the FD1 form indicates the local sewer network is full so cannot connect for this reason. In my understanding and from what I can see from SWW comments there is no mention of the sewer being at capacity (not sure they ever say this) and/or the proposed non-mains solution is OK. Although, they do comment on the surface water element.

The revised screening document has addressed previous comments on the proximity of other discharges within 200m (all connect to the mains). Therefore, if the connection to the mains is not reasonably feasible, the proposed information would indicate the site can be screened out of a HRA based on the small-scale thresholds. However, if they do need to connect to the mains then they will require an appropriate assessment.

If a mains connection is not possible, see below for suggested condition.

The approved development shall only be carried out in accordance with the approved documents: Interim Guidelines on Small Scale Thresholds Report [Tamsyn Froom, December 2025, Rev B]

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the River Axe Special Area of Conservation and associated potential impact on ecology in accordance with Strategy 47 of the East Devon Local Plan 2006-2026 and in compliance with The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Full comments from DCC Historic Environment Officer

19/2/26

My ref: ARCH/DM/ED/42411a

I refer to the above application. The proposed development impacts upon a building shown on the mid-19th century Tithe Map and is recorded as "Podgelake House and Garden", the age of the dwelling here is unknown. The Design, Planning, Access and Heritage Statement submitted in support of the application states that it was later used in the 19th century sawmill, presumably sometime after the building was no longer residential. The application area also lies in close proximity to scatters of worked prehistoric lithics, and in proximity to the Grade I Listed 13th century Church of St Michael (List Entry No. 1098406) and close to the historic settlement core of Stockland. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic settlement of Podgelake House, as well as the prehistoric activity in the vicinity.

The Historic Environment Team would therefore advise that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. Furthermore, Historic England should be consulted with regard to the impact of the proposed development upon the setting of the Grade I Listed Church of St Michael (List Entry No. 1098406).

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage that the programme of work for this scheme taking the form of the archaeological control and supervision of topsoil stripping and ground reduction across the area(s) affected by the proposed development to the depth at which the supervising archaeologist establishes either (i) archaeological deposits and/or features are present (to allow for their identification, investigation and recording of these and any associated artefacts) or (ii) undisturbed natural ground is exposed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic

environment and planning, and our charging schedule please refer the applicant to:
<https://new.devon.gov.uk/historicenvironment/development-management/>.

Yours faithfully,

Stephen Reed
Principal Historic Environment Officer

Full comments from South West Water

23/2/26

Location: Land To The West Of Stockland C Of E Primary School Stocklan

Your ref: 25/2614/FUL

Our ref: PC23022026EX149EF

Proposal: Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works.

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Kind regards,

The Pre-Development Team

Appendix 2

Adopted East Devon Local Plan Policy D8

D8 – Re-use of Rural Buildings Outside of Settlements

The re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

For residential proposals it must be established that:

- a) the building is no longer required for agricultural use or diversification purposes; and
- b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.
- c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

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

Applications for the re-use of rural buildings should be accompanied by the results of a combined bat and barn owl survey together with a heritage survey and heritage statement where appropriate. Furthermore, provision for barn owls should be incorporated into all rural barn conversions, within 1 kilometre of sightings of barn owls or signs of their activity. Where a future alteration or extension could have a detrimental effect on the character of the converted building or the area, permitted development rights will be withdrawn for such development. Where a proposal involves the re-use or conversion of agricultural buildings and the proliferation of any replacement or new buildings would have a serious detrimental effect on the landscape, permitted development rights will be withdrawn for new farm buildings on the relevant part of that particular agricultural unit or holding. In determining proposals to convert a building constructed using agricultural permitted development rights, account will be taken of the extent to which the building has been used for its original purpose.