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EX39 2QG

Tel : Bideford (01237) 428700

Date: 24 November 2023
Quorum: 6

MEETING OF PLANS COMMITTEE

Town Hall - Bridge Street, Bideford, EX39 2HS

Thursday 7 December 2023 at 9.30 am

NOTICE OF MEETING

The meeting will be able to watch through the Council's YouTube Channel
https://tinyurl.com/TorridgeYouTube

To: Councillor R Lock (Chair)
Councillor P Hames (Vice-Chair)
Councillors: C Leather, P Christie, K Hepple, P Pennington, D Smith, C Wheatley and J Whittaker

Members are requested to turn off their mobile phones for the duration of the Meeting

AGENDA

1.	**Apologies For Absence**
	To receive apologies of absence from the meeting.
2.	**Minutes** (Pages 5 - 10)
	To receive the Minutes from the meeting held on 13 November 2023.
3.	**Declaration of Interest**
	Members with interests to declare should refer to the Agenda item and describe the nature of their interest when the item is being considered. Elected Members of Devon County Council and Town/Parish Councils who have considered a planning application by virtue of their membership of that Council hold a personal interest and are deemed to have considered the application separately and the expressed views of that Council do not bind the Members concerned who consider the application afresh.

4.	**Agreement of Agenda between Parts I and II**
5.	**Urgent Matters**
	Information to be brought forward with the permission of the Chair.
6.	**Public Participation**
	The Chair to advise the Committee of any prior requests to speak made by members of the public and to advise of the details of the Council's public participation scheme.
7.	**Planning Applications**
	The information, recommendations and advice contained in the reports are correct as at the date of preparation which is more than ten days in advance of the Committee meeting. Due to these time constraints any changes or necessary updates to the reports will be provided in writing or orally at the Committee meeting.
(a)	**Application No. 1/0647/2023/OUT** (Pages 11 - 26)
	Outline application for 3 no. dwellings with all matters reserved except access - Lakenham Residential Care Home, Lakenham Hill, Northam.
(b)	**Application No. 1/0846/2023/FUL** (Pages 27 - 38)
	Retention of covered seating canopy - Land Adjacent Quay 22, 22 The Quay, Bideford.
(c)	**Application No. 1/0632/2023/OUT** (Pages 39 - 47)
	Outline application for 1no. local needs dwelling with all matters reserved (amended description) - Land Adjacent Barley Flat, Pancrasweek, Devon
(d)	**Application No. 1/0707/2023/FUL** (Pages 48 - 55)
	Conversion of redundant rural building to residential dwelling - Barn At Grid Reference 243124 097942, Halwill, Devon.
(e)	**Application No. 1/0911/2023/FUL** (Pages 56 - 67)
	Erection of 1no. agricultural worker managers dwelling - Land At Holwell, Buckland Brewer, Bideford
8.	**Appeal Decisions Summary** (Pages 68 - 85)
	Appeal Decision Summary and Reports of Planning Inspectorate Summary Appeal Decision – Application No. 1/0266/2022/CPL – St Giles on the Heath Appeal Decision – Application No. 1/0955/2022/OUTM – Westward Ho! Appeal Decision – Application No. 1/0514/2022/OUTM – Westward Ho! Appeal Decision – Application No. 1/1039/2022/AGMB - Tetcott

9.	**Costs on Appeals** (Pages 86 - 87)
	Costs Decision – Appeal ref: APP/W1145/W/23/3322238 and APP/W1145/W/23/3323417
10.	**Delegated Decisions - AGMB Applications**
	There are no Delegated Decisions – AGMB applications
11.	**Planning Decisions** (Pages 88 - 97)
	List of Delegated Planning Decisions, Consultee Abbreviations and Application Types enclosed 20 October 2023 to 23 November 2023.
12.	**Part II - Closed Session**
	There are no Part II items.

The background papers are considered to comprise the following documents:

- The individual planning application file (reference number quoted in each case)
- North Devon and Torridge Local Plan 2011-2031 (Adopted October 2018)
- Current Government guidance contained in Circulars, the National Planning Policy Framework, Planning Policy for Traveller Sites and Ministerial Statements
- Any other documents specifically referred to in the report.

All background papers referred to are available for examination during normal office hours.

NOTE TO MEMBERS

All letters of representations are readily available for inspection on the files or through the website and public access. If any Member requires assistance in using this facility, please contact the Development Enabling Manager directly.

Members of the Committee only will receive hard copies of representations received.

Meeting Organiser: Sandra Cawsey

For those wishing to speak at Plans Committee please contact:

Planning Support - Tel: 01237 428778 or 428711
Email: speak.planning@torridge.gov.uk
Website: www.torridge.gov.uk/speakplanning

TORRIDGE DISTRICT COUNCIL

PLANS COMMITTEE MEETING

Caddsdown Business Support Centre - Caddsdown Bideford EX39 3BE

Monday, 13 November 2023 - 9.30 am

PRESENT	Councillor R Lock (Chair) Councillor P Hames (Vice-Chair)	
	Councillors C Leather, K Hepple, P Pennington, D Smith, C Wheatley and J Whittaker	
ALSO PRESENT	S Dorey	- Head of Legal & Governance (Monitoring Officer)
	S Kearney	- Head of Communities & Place
	H Smith	- Planning Manager
	L Davies	- Development Management Team Leader
	S Cawsey	- Democratic Services Officer
	T Vanstone	- Senior Electoral & Democratic Services Officer

APOLOGIES

An apology for absence was received from Councillor Christie (Councillor Hodson substituting).

127. MINUTES

It was proposed by Councillor Leather, seconded by Councillor Whittaker and –

Resolved:

That the Minutes of the meeting held on 5 October 2023 be agreed and signed as a correct record.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr C Hodson			X
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr P Pennington	X		

Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 8, Abstentions 1)

128. DECLARATION OF INTEREST

The Chair reminded Members to declare their interests when the relevant item was up for discussion. Declarations of interest were made as indicated below and in accordance with the previously agreed arrangements for "dual-hatted" Members.

129. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

That the Agenda as circulated be agreed.

130. URGENT MATTERS

There were no urgent matters brought forward.

131. PUBLIC PARTICIPATION

The Chair advised the Committee and members of the public of the details in respect of the Council's public participation scheme.

132. PLANNING APPLICATIONS

(a) Application No. 1/0793/2023/LA

Application No. 1/0793/2023/LA - Replacement play equipment - Victoria Park, Kingsley Road, Bideford.

Interests: The Committee declared a personal interest – all are elected Members of Torridge District Council.

Officer recommendations: Grant

The planning application had been referred to Plans Committee because the application is on Torridge District Council land.

In the absence of the Development Manager, the Planning Manager presented the report and advised Members of the main planning considerations.

It was proposed by Councillor Leather, seconded by Councillor Hepple that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr C Hodson	X		
Cllr K Hames	X		
Cllr K Hepple	X		
Cllr C Leather	X		
Cllr R Lock	X		
Cllr P Pennington	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For - Unanimous)

RESOLVED:

That the application be Granted subject to the conditions as set out in the report.

Adrian Avery, Community Project Officer at TDC, addressed the Committee in support of the application.

(b) Application No. 1/1378/2021/FUL

Application No. 1/1378/2021/FUL - Part retrospective application for relocation and repair of existing buildings, part change of use of existing building and erection of new steel frame industrial shed (Class E) - (Amended red edge, plans and certificate) - Bovacott Works Yard, Brandis Corner, Devon

Interests: None

Officer recommendations: Refuse

The planning application had been called into Plans Committee if the recommendation is for refusal, by Councillor James for the following reasons:

- This is a brown field site
- It has been used as an industrial site since the war (2nd)
- There is a proven need in the area
- There are employment opportunities

- It complies with Government policy regarding redevelopment of brown field sites

The application had been deferred by Members at the Plans Committee meeting held 8 June 2023 to allow for the submission of additional information in relation to the following matters:

- Highway Junction improvements
- Traffic movements and types of vehicles
- Potential end users

The Committee were advised of the following updates:

- Amended Site Location Plan – to include the visibility splay
- Removal of Building 5 (previously proposed)
- Alterations to visibility splay onto A3072
- Removal of Reason for Refusal 4
- Additional information relating to proposed uses of site
- Removal of Reason for Refusal 3

The description to be amended as follows:

“Part retrospective application for the relocation and repair of existing buildings and part change of use of existing building”.

The Development Management Team Leader presented the report and informed Members of the main planning considerations and the reasoning for the recommendation of refusal.

The Devon County Highways Officer addressed a question from Councillor Hames in relation to the visibility splays being dependent on agreement from private landowners. It was confirmed that permission from landowners is difficult, but in this instance the applicants have the agreement of the landowners and the work has been undertaken.

During the debate Members highlighted the need to support employment and the rural economy and to encourage local businesses to flourish, quoting NPPF paragraphs 85 and 84.

Following comments made, Councillor Lock reminded Members that retrospective applications are treated the same as other applications.

It became evident during the debate that Members were supportive of the application.

The Planning Manager referred to the Plans Committee meeting on 8 June 2023 when Members resolved to defer the application for the submission of further information, including for potential end users.

An additional statement was provided which gave examples of potential end users of the site. Further to this information, advice was for Members to consider what would be appropriate users in this location and to impose a condition that specifies the users for those buildings.

The Planning Manager gave comprehensive advice on class uses and for potential users of the site to have strong links to agriculture, forestry and other existing rural activity. The relevant class uses recommended by the Planning Manager were:

Use Class E - a) sale of goods needs to be confined as bulky goods and machinery around or relating to agricultural and the rural economy

Use Class E - g) office use and employment type uses.

A proposed potential end user of the site was MOT testing which does not fall within those Class uses. Use Class E also states “any other services which it is appropriate to provide in a commercial, business or service locality” – MOT Testing to be included as a specific use that would be acceptable.

Members debated the imposition of conditions for hours of construction, hours of operation, vehicle movements within certain hours, restricting buildings to the site. Councillor Leather was of the opinion there should not be restrictions on the hours of operation.

Members agreed that should the application be approved, the wording of the conditions be delegated to Officers in conjunction with the Chair and Vice Chair.

It was proposed by Councillor Leather, seconded by Councillor Lock that the application be approved.

A recorded vote was taken.

Councillor	For	Against	Abstain
Cllr C Hodson	X		
Cllr K Hames		X	
Cllr K Hepple			X
Cllr C Leather	X		
Cllr R Lock	X		
Cllr P Pennington	X		
Cllr D Smith	X		
Cllr C Wheatley	X		
Cllr J Whittaker	X		

(Vote: For 7, Against 1, Abstentions 1)

RESOLVED

That the application be Granted subject to the wording of the conditions being delegated to Officers in conjunction with the Chair and Vice-Chair.

Gareth Short, Agent, addressed the Committee in support of the application.
Councillor James, Ward Member, addressed the Committee.

133. APPEAL DECISIONS SUMMARY

Councillor Smith left the meeting at 10.47am.

There were no Appeal Decisions.

134. COSTS ON APPEALS

There were no Costs on Appeals.

135. DELEGATED DECISIONS - AGMB APPLICATIONS

There were no Delegated Decisions – AGMB Applications.

136. PLANNING DECISIONS

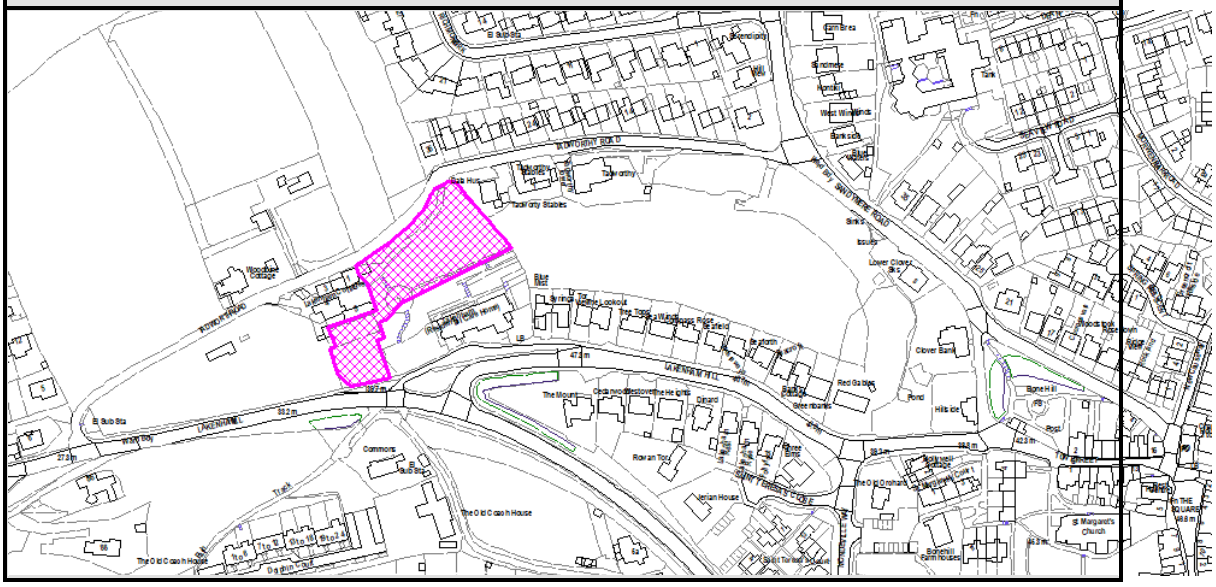
RESOLVED

That the Planning decisions for the period 21.09.23 – 20.10.23 be noted.

The meeting commenced at 9.30am and closed at 10.50am

Committee Report – 7th December 2023

Application Number:	1/0647/2023/OUT
Registration date:	20 July 2023
Expiry date:	14 September 2023
Applicant:	Mr Hampton & Mrs Murphy
Agent:	KOST Architects
Case Officer:	Sarah Boyle
Site Address:	Lakenham Residential Care Home, Lakenham Hill, Northam, Bideford, Devon, EX39 1JJ
Proposal:	Outline application for 3no. dwellings with all matters reserved except access
Recommendation:	Grant



Reason for referral:

The application has been called-in to Committee by the Ward Member Councillor Lo-Vel if minded to approve, for the following reason:

'*Access: the proposed development uses the existing driveway, parking and garages for the Residential home to service the new properties in site. This would leave the Residential home with its nineteen residents, visitors and staff with no option but to park on the already congested nearby roads.*'

Relevant History:

Application No.	Description	Status	Closed
1/0424/2000	INSTALLATION OF LIFT SHAFT & ALTERATIONS	PER	09.05.2000
1/0922/1985	ALTERATIONS AND EXTENSIONS TO PREMISES TO PROVIDE ADDITIONAL STAIRCASES & TOILET FACILITIES	PER	19.09.1985
1/0783/1988	RECONSTRUCTION OF EXISTING CONSERVATORY AND CONSTRUCTION OF NEW UTILITY ROOM	PER	27.05.1988
1/1832/1994	ALTERATIONS TO FORM UTILITY ROOM EXTENSION	PER	06.02.1995
1/0877/2018/OUT	1 no. open market detached residential dwelling with all matters reserved	PER	03.10.2018

Site Description & Proposal

Site Description
The application site relates to a parcel of land located within the development boundary of Northam (including Appledore and Westward Ho!) which is designated as a 'Main Centre' in the adopted North Devon and Torridge Local Plan (NDTLP). The application site sits within a wider parcel of land in the applicant's ownership. The site does fall within the Coast and Estuary Zone as indicated on the NDTLP polices map and the closest protected heritage asset is located approximately 50 metres to the east.

The site consists of greenfield land, which is seen in connection with the wider use of the site as a residential care home. The site is neighboured by residential properties to the north and east of the site, with public highways running along the north and south boundaries. The site currently slopes, steeply, downward from south to north, with varying ground levels throughout the site.

In addition to this, the application site falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is consider a low probability of flooding.

Proposed Development
The application seeks outline permission for 3 no. dwellings with all matters reserved except access. Drawings have been submitted as part of the application, but these are indicative as appearance, landscaping, layout and scale will be assessed at the reserved matters stage.

The existing access on site will be blocked up and the proposed access will be off Tadworthy Road which will provide the driveway to all three properties with parking and turning on site. It is indicated that the site will provide at least two car parking spaces per dwelling.

Consultee representations:

Northam Town Council:
Northam Town Council resolved to recommend the proposal be granted permission, though concern was noted regarding the location, size and indicative built form of the property at plot 2. Its close proximity to Lakenham Cottages would mean that should it be built would have a significant detrimental effect on the amenity of the Cottages.

Devon County Council (Highways):
Standing Advice.

Environmental Protection Officer:
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The application site neighbours existing residential properties and as such, the Environmental Protection Team considers there to be no conflict of land use arising from the proposed residential use. Subsequently, the proposed development is considered to accord with Policy DM01. Due to the presence of existing dwellings in close proximity, there is the potential for residential amenity to be adversely affected from the construction works if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition restricting construction works and site deliveries to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The Stage One Geo-environmental Assessment indicates that the application site may contain contamination from historic use and as such, recommends further intrusive groundworks to be undertaken to assess the extent of any potential ground contamination. The Environmental Protection Team concurs with this proposal and should planning consent be granted, recommends the imposition of the Authority's full standard contaminated land condition in order to protect human health and the environment.

The application form indicates that the proposed development is to be served by a new package treatment however, no detailed information has been provided. The Environmental Protection Team will require a FDA assessment form to be submitted as well as the means of discharge, namely a drainage field or watercourse. If a drainage field is to be installed, percolation testing will need to be undertaken in accordance with BS6297 and the subsequent test results, calculated drainage field area and location submitted for review. If foul waste is to discharge to a watercourse, photographic evidence and video footage demonstrating that the receiving watercourse has continual annual flow, in accordance with DEFRA's General Binding Rules, will be required. The Environmental Protection Team will provide further comments upon receipt of the above information.

South West Water:
I can confirm South West Water has no comment or concern.

Conservation Officer:
The proposal seeks to infill a green ribbon that remains at the bottom of the escarpment separating Northam from Westward Ho!

While there is no objection in planning terms to the construction of dwellings on this site there is much that is not understood about the evolution of the settlement and this reserved green area must have been for some reason.

The building at Lakenham can be viewed as a non-designated heritage asset and its location is visually important within the landscape.

The comments from pre application stage remain:

'In this case this area of Northam is not well understood. There is an old settlement at Tadworthy and the Nursing home building itself was described to me as a former hunting lodge granted to a Mistress of the King who then gave the premises to the church. As such little is known about the origins of the building and while not listed it is clearly an important building within the landscape which is sited to be seen on this escarpment. It was designed to be the most visible building on the hillside at sits at the end of a ribbon of green which runs from the coastal preservation area designation to the edge of the settlement at Northam.

There needs to be some further investigation as part of any development proposals to ensure that the building and any below ground evidence are understood before development takes place.'

AONB Team:
No response received.

Environmental Protection Officer:
The Environmental Protection Team refers to its previous consultation response dated 24 July.

Representations:

Number of neighbours consulted:	18	Number of letters of support:	0
Number of representations received:	9	Number of neutral representations:	1
Number of objection letters:	8		

Eight objection and 1 neutral comment have been received for the application outlining the following reasons:

- Environmental
- Overlooking
- Privacy
- Noise
- Visual Amenity
- Policy Reasons
- Biodiversity
- Traffic or Highways
- Impact on wildlife
- Plot 1 overlooking garden
- Removal of trees and impact on wildlife
- The grounds of Lakenham Home are not included in the local plan
- Plot 3 would be a large house that is too close to the small Victorian cottages and is out of scale.
- Plot 3 would be built over the existing sewer which services the five houses of Lakenham Cottages.
- History and Heritage Asset
- Housing need
- Conflict with North Devon and Torridge Local Plan and Northam Neighbourhood Plan
- Coast and Estuary Zone development fails to comply
- Access driveway and parking
- Where will the new vehicular access to Lakenham Residential Care Home be located.
- Displacement of cars to either Tadworthy Road or Lakenham Hill

- Development would remove the last piece of green wedge.

The above concerns will be addressed within the relevant sections of the report.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); NOR (Northam Spatial Vision and Development Strategy); ST08 (Scale and Distribution of New Development in Northern Devon); ST17 (A Balanced Local Housing Market); ST04 (Improving the Quality of Development); DM04 (Design Principles); ST09 (Coast and Estuary Strategy); ST15 (Conserving Heritage Assets); DM07 (Historic Environment); DM01 (Amenity Considerations); DM02 (Environmental Protection); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); ST03 (Adapting to Climate Change and Strengthening Resilience); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); DM10 (Green Infrastructure Provision);

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main planning considerations with this application are:

1. Principle of Development
2. Impact on Character and Appearance
3. Impact on Amenity
4. Highway Safety
5. Drainage
6. Ecology
7. Other Matters
8. Section 106 Contributions
9. Conclusion

1. Principle of Development
Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

In planning terms, the application site is located within the development boundary of Northam, which is designated as a 'Main Centre' and is guided by Policy ST06 of the NDTLP. The policy states that development will be supported within the development boundary of the main centres [Northam]. The policy supports appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding communities where such is sought through the local vision.

Policy NOR of the NDTLP illustrates the spatial strategy for Northam, which states the three centres, including Northam, will continue to provide a range of services and facilities to meet locally generated needs and across Appledore, Northam and Westward Ho! a minimum provision of 1,916 dwelling over the period of the local plan.

The application site is not a designated housing site within the NDTLP, however it is a windfall site with a reasonable prospect of being brought forward and therefore the three windfall dwellings within the development boundary of Northam would positively contribute to the planned 1,916 dwellings set

out in the policy and on a wider scale contribute to the overall housing supply of northern Devon. Additionally, the site is considered to be a sustainable location, being located with the development boundary of Northam. Many of the desired services and facilities are within the prescribed 'walkable distance' (800 metres) as defined within the National Design Guide.

Considering the above, the proposed development of three dwellings on the application site is acceptable under NDTLP policies ST06, ST08 and NOR, provided it complies with all other material planning considerations.

2. Housing Provision
Policy ST17 of the NDTLP, aims to ensure that the residential developments proposals deliver housing in a way that contributes to the re-balancing of the housing stock to reflect the identified needs and demands for housing of existing and future communities in northern Devon. In doing so, developments will create sustainable, inclusive and mixed communities that are attractive places to live.

The required housing mix is set out within the published Housing and Economic Needs Assessment (HEDNA), used as a core evidence document in the preparation and submission of the North Devon and Torridge Joint Local Plan. The HEDNA report produced in May of 2016, assessed the housing and economic development needs for the area of Torridge and North Devon. More specifically, the table which can be found on page 180 identifies the proportion of 1 bed, 2 bed, 3 bed and 4+ bed houses necessary in order to meet the district's housing needs as a whole (please see table below). This evidence is considered to be a material planning consideration, and therefore housing sites will have to adhere to the proportions identified below, unless suitably and robustly justified otherwise.

The proposal is for the erection of three residential properties. While it is recognised that the application would not be considered a 'major development' as it falls below the threshold of 5 dwellings or an area of 0.5 hectares or more; the housing mix should provide a wider housing mix. Indicative plans have been submitted which indicates 3 no. 4/5 bedroom properties, however this is indicative, and the property sizes would be secured during a reserved matters application.

2. Impact on Character and Appearance
Policy ST04 supports development proposals that achieve high-quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.

Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

Policy ST09 of the NDTLP, ensures that the sustainability of Northern Devon's coastal communities are maintained and enhanced with regard to their distinctive cultural heritage, diverse maritime economy, landscape setting and regeneration opportunities. The separate identity of these settlements will be maintained and enhanced.

Policy ST15 of the NDTLP, states that 'great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:
(a) Conserving the historic dimension of the landscape;
(b) Conserving the cultural, built, historic and archaeological features of national and local importance and their setting, including those that are not formally designated;
(c) Identifying and protecting locally important buildings that contribute to the area's local character and identity; and
(d) Increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

Policy DM07 of the NDTLP requires that all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. The policy also outlines that proposals that conserve and positively enhance the heritage asset and their setting will be support and where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible.

The NPPF also strongly emphasises the need for well-designed places, in which Part 12 of the Framework is solely dedicated to the achieving well-design places. Paragraph 126 of the NPPF notes 'the creation of high-quality buildings and places is fundamental to what the planning and development proves should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.' Part 12 of the framework lists 6 key design principles that are required to be met in order to demonstrate the design is of high quality.

In addition to the above, paragraph 203 of the NPPF states "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing application that directly and indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In addition to this, the National Design Guide is considered to be the most up to date national guidance in relation to design. The design addresses the question of how we recognise well-designed places and outline and illustrate the priorities for well-designed places and provides ten characteristics that should be considered in any forthcoming design and decision making.

The application seeks outline permission for the erection of three residential properties on the site used in association with Lakenham Residential Care Home. The proposal consists of two separate parcels of land, land to the west of the Residential Care Home and land to the north of the residential care home. The application is submitted with all matters reserved except access.

An indicative site plan and drawings of some of the plots have been submitted detailing proposed locations of the dwellings, including accesses and parking and turning. It also details proposed landscaping and amenity space for the dwellings. However, it should be noted that these are only indications on property sizes in terms of number of bedrooms, and this is not set, as it is not a matter for considerations at this stage.

Objection representations submitted have commented on the layout, size and positioning of the plots for the proposed scheme as well as conflict with the Northam Neighbourhood Plan. However, the Northam Neighbourhood Plan carries no weight at this stage and is therefore not a material planning consideration when assessing the application and as discussed above, the application is for outline with all matters reserved other than access, so the indicative plans are not for assessment under this form of application, they are to demonstrate how the site could be developed.

The Conservation Officer was consulted during the process of the application and has made the following comments:

'The proposal seeks to infill a green ribbon that remains at the bottom of the escarpment separating Northam from Westward Ho!

While there is no objection in planning terms to the construction of dwellings on this site there is much that is not understood about the evolution of the settlement and this reserved green area must have been for some reason.

The building at Lakenham can be viewed as a non-designated heritage asset and its location is visually important within the landscape.

The comments from pre application stage remain:

In this case this area of Northam is not well understood. There is an old settlement at Tadworthy and the Nursing home building itself was described to me as a former hunting lodge granted to a Mistress of the King who then gave the premises to the church. As such little is known about the origins of the building and while not listed it is clearly an important building within the landscape which is sited to be seen on this escarpment. It was designed to be the most visible building on the hillside at sits at the end of a ribbon of green which runs from the coastal preservation area designation to the edge of the settlement at Northam.

There needs to be some further investigation as part of any development proposals to ensure that the building and any below ground evidence are understood before development takes place.'

It is considered that any reserved matters stage that the scale, form and design of the dwellings must reflect that of the surrounding context. The dwellings in this location should not detract from the character and appearance of the area and need to be read in connection with the existing built residential form of the surrounding area. Full details should be submitted in relation to design and materials at the reserved matters stage.

3. Impact on Amenity
Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:
(a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
(b) The intended occupants of the proposed development would not be harmed as a result of the existing or allocated uses.

Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. In addition to this, one of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

DM02 of the NDTLP, states that development will only be supported where it does not result in unacceptable impacts to:
(a) Atmospheric pollution by gas or particulates, including smell, fumes, dust, grit, smoke and soot;
(b) Pollution of surface or ground water including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea;
(c) Noise or vibration; and
(d) Light pollution where light overspills on to areas not intended to be lit.

Part H1 of the National Design Guide states that 'good design promotes quality of life for the occupant and users of buildings. This includes function […] comfort, safety, security, amenity, privacy, accessibility and adaptability.'

Nine objection comments have been submitted for the application, detailing the impact on neighbouring occupiers, the position of the dwellings creating additional housing in the area, highways, disturbance and preferable locations.

The application site is located within the development boundary of Northam and is neighboured by residential properties to the north and east and the Residential Care Home to the south. Indicative plans have been submitted outlining the plot sizes, however these are only indicative and will be assessed at the detailed reserved matters stage. Taking the above into account and after visiting the site it is considered that the site could adequately accommodate the proposed development without impacting on the neighbouring occupants or the intended occupants of the proposed dwellings.

As such, it is considered dwellings in this location would not have a harmful impact on the amenity of the neighbouring occupants or the intended occupants of the dwelling and therefore in accordance with policy DM01 of the NDTLP.

4. Highway Safety
Paragraph 110 of the NPPF indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

Policy DM05 of the NDTLP relates to highways, and notes:

(1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
(2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:
(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:
(a) Accessibility and sustainability of the site;
(b) Availability of public transport;
(c) Provisions of safe walking and cycle routes; and
(d) Specific sale, type and mix of development.
(2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.

Devon County Council Highways have been consulted on the application and have commented that the application should be dealt with under standing advice.

The development proposes to use a new access off of Tadworthy Road to the north west of the site, this access would accommodate all three properties. The existing access along this road would be closed up as a result of the works. The access provides adequate visibility splays, and it is detailed that there will be a low-level verge alongside the highway no higher than 300m high. The proposed site plan details at least two parking spaces and turning for each property on site.

The call-in reason for the application was in relation to highways impact and the loss of parking for the Residential Care Home. During the process of the application, it was confirmed by the Agent and Applicant that the land subject to this application, is not utilised by the residents of the care home due to its topography as there is a steep elevational change, and therefore lays redundant. All access is via the main entrance on Lakenham Hill. The home has never provided parking and staff and visitors to the site utilise nearby parking facilities and therefore there is no expected change when considering the proposed development.

Taking the above into account it is considered that the site is going to provide a safe and suitable access and the site itself will provide adequate parking and turning for the intended occupants of the dwellings. As such the application is considered to accord with the policies outlined in the NDTLP.

5. Drainage
Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, Policy DM04 notes development should provide effective water

management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The Planning Practice Guidance notes that new development should aim to discharge foul water into the public sewer; however, if this not possible then a package treatment plant may be used. However, if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.

Policy DM02 of the NDTLP states that 'developments will be supported where it does not cause an unacceptable risk to public health and safety due to:
(a) Coastal erosion or land stability;
(b) Its siting on known or suspected contaminated land which is unsuitable for the use proposed; or
(c) The storage or use of hazardous substance;

Unless taking account of appropriate remedial, preventative or precautionary measures to remove, reduce or mitigate risk to an acceptable level.'

The application form details that foul water will be disposed of through an off-mains drainage solution i.e., package treatment plant or septic tank unless they are able to connect into the Tadworthy development infrastructure. In terms of surface water drainage, subject to ground conditions the proposal is looking to utilise soakaways. Environmental Protection have commented on the proposed drainage and indicated that further information would be required to satisfy them. Notwithstanding this, the application is for outline permission and drainage will be considered in full at the reserved matters stage. It is considered that, given the extent of the application site, there would be sufficient space to accommodate adequate drainage.

6. Ecology
Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the NDTLP through Policies DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

A wildlife trigger list, a Preliminary Ecological Appraisal (PEA), Tree Assessments and an Arboricultural assessment have been submitted for the application.

Within the original Ecology Report it is stated the following in the conclusion:

'The proposed development has the potential to affect bats, dormice, nesting birds, reptiles, amphibians, and hedgehogs, if present. The clearance of scrub and longer modified grassland should be carried out under ecological watching brief, to prevent accidental injury or killing of reptiles, amphibians and hedgehogs, and nesting birds if timed within nesting bird season. Endoscope surveys are recommended to determine the presence, or likely absence, of bats if it becomes necessary to fell the willow with potential roosting features. The survey would enable a full impact assessment to be made, and measures provided to avoid, mitigate, and compensate for any impacts.'

In light of this a further survey was commissioned and undertaken by Lakeway Ecology which stated that the tree was actually a white poplar which was identified from its location and photos in the PEA report. The report stated the following:

'Discussion
No evidence of roosting bats was found, but three of the features did provide some bat roosting potential, including space for more than one individual bat.

Bats can and do change roosting sites frequently (between 2 and 11 days depending on species, on average), and throughout the year and the chance that bats would be present in a tree roost (encounter probability) has been documented in the BTHK1. This suggests that up to 14 visits would be needed in July and August to reliably confirm presence of a colony of bats.

For this site, this approach would be disproportionate and still carries a high level of uncertainty that bats would not be encountered when it comes to start on Site (pending planning permission). Even if absence is presumed following survey work, there is a risk that bats may have moved in prior to commencement of work (tree removal).

Recommendations
Rather than repeat survey effort pre-planning, we therefore recommend that the tree is reinspected from a cherry picker/ MEWP immediately prior to planned works, as a precaution.

The inspection will be carried out by an ecologist with a Level 2 bat licence. If a bat is encountered, or suspected, then work will pause and a derogation licence will be secured, to allow the bat roost(s) to be lawfully impacted, and proportionate compensatory roosting opportunities will be installed within the Site. This could either be the retention of the roost feature, by strapping it to a retained tree, or by the provision of bat boxes suitable for the species encountered under the guidance of the ecologist. Features would be secured by mitigation licence terms rather than planning condition and this would be in addition to any enhancement features detailed in Richard Green Ecology's PEA report.

It is recommended that the tree work is carried out in autumn or spring, (September/ October or March/ April) when bats are least vulnerable to disturbance i.e., not in hibernation and not with dependant young, to further reduce the risk of harm to bats, if encountered prior to start of works.'

Taking the above into account and the addition of a conditions if the application is approved, the proposal is considered to comply with Policies DM08 and ST14 of the NDTLP.

7. Other Matters
Environmental Protection have commented on the application in terms of construction hours, contamination and drainage. Conditions have been applied at the outline stage and further details will be submitted as part of the reserved matters.

8. Section 106 Contributions
Any shortfall in infrastructure for the proposed development should be funded by developer contributions in accordance with Policy ST23: Infrastructure, which requires development to provide or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific or cumulative impacts of those developments.

Policy DM10 of the NDTLP states that 'development will provide new accessible green infrastructure, including public open space and built facilities, to meet at least the green infrastructure quantitative and accessibility standards, as set out in Table 13.1 and infrastructure Delivery Plan, to meet the needs of its intended occupants.'

The supporting text for the policy then references the Green Infrastructure Strategy as the basis for establishing more detailed requirements. The quantitative standards are depicted in a requirement per thousand population and occupancy assumptions can be applied to convert these standards into requirements generated from particular levels of housing development. The presumption is that the Green Infrastructure requirements are met on site as part of a development proposal; however, there may be opportunities for alternative direct off-site provision or for financial contributions to be provided to deliver enhancements to existing provision, where appropriate opportunities and projects can be identified and said provisions would continue to meet necessary accessibility standards.

The proposed development seeks the provision of three residential dwellings and therefore it triggers the need for an open space provision. If the application is approved the contributions would be formalised within a Section 106 legal agreement. The contributions will currently be calculated on a per dwelling requirement as the housing mix and sizes are not confirmed at the outline stage.

9. Conclusion
The application site lies within the development boundary of Northam and although not allocated for housing would be considered a windfall site. The proposed development is in outline form with all matters reserved apart from access. The access has been assessed and considered to be safe and suitable and in line with the Devon County Council Highways standing advice. The site will provide parking and turning on site for the three dwellings and will have a minimal impact on the highway network. Indicative plans have been submitted, however as the application is in outline detailed matters will be assessed further at the reserved matters stage. Taking the above into account it is considered that the principle of three dwellings on this parcel of land is in accordance with the relevant policies in the NDTLP.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

1 Approval of the details of
a) layout,
b) scale,
c) appearance,
e) landscaping

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Part 2 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2 i) Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(ii) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92(2) of the town and Country Planning Act 1990 (as amended).

3 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no

development of the types described in Part 1 of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of retaining the character and appearance of the area and surrounding landscape in accordance with Policies ST04, DM04 and DM08A in the North Devon and Torridge Local Plan 2011-2031.

5 Construction works shall not take place other than between 0700hrs to 1900hrs on Mondays to Fridays, and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

6 Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway.

7 The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancement details contained in sections 5 and 6 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology Ltd received June 2023 and the recommendations section within the Tree Assessment prepared by Lakeway Ecology received 30th June 2023. The Reserved Matters shall include details of how the mitigation and enhancement measures shall be delivered on site together with proposals for their ongoing management and maintenance.

All mitigation and enhancement measures shall be implemented prior to occupation and retained and maintained as such thereafter.

Reason: In the interests of enhancing the habitats of protected species in accordance with the duties outlined in the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010) and requirements of the NPPF.

8 The existing access indicated on drawing number 2104_P_004(a) received on 21.11.2023 shall be effectively and permanently closed in accordance with the details provided, prior to the new access being brought into use.

Reason: To prevent the use of a substandard access and to minimise the number of accesses onto the public highway.

9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
o human health,
o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Approval by the Local Planning Authority of the report submitted at this stage will confirm whether there is a need to undertake remediation measures under conditions b), (c) and (e) below.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

e) Long Term Monitoring and Maintenance

Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements must be submitted in writing for the prior approval of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the ground conditions of the site prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of land contamination and an adverse impact on human health.

10 Prior to or as part of the Reserved Matters, a scheme for foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. If a drainage field is to be installed, percolation testing will need to be undertaken in accordance with BS6297 and the subsequent test results, calculated drainage field area and location submitted for review. If foul waste is to discharge to a watercourse, photographic evidence and video footage demonstrating that the receiving watercourse has continual annual flow, in accordance with DEFRA's General Binding Rules, will be required.

No dwelling hereby permitted shall be occupied until the drainage works serving that dwelling have been approved and implemented in accordance with the approved details.

Reason: The above condition is required to ensure the proposed surface water and foul drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

Reason: To ensure the development does not result in environmental harm.

11 The development hereby approved shall be carried out in accordance with the recommendations, mitigation, arboricultural impact assessment and tree protection plan contained in the Arboricultural Survey prepared by ARBMARK TREE CARE received 30th June 2023. The mitigation measures shall be installed on site and retained thereafter until the completion of the relevant phase to which the tree/hedge protection relates.

Reason: To protect trees and hedgerow within and surrounding the site.

Plans Schedule

Reference	Received
2104_P_001	20.07.2023
2104_P_004(a)	21.11.2023

Statement of Engagement

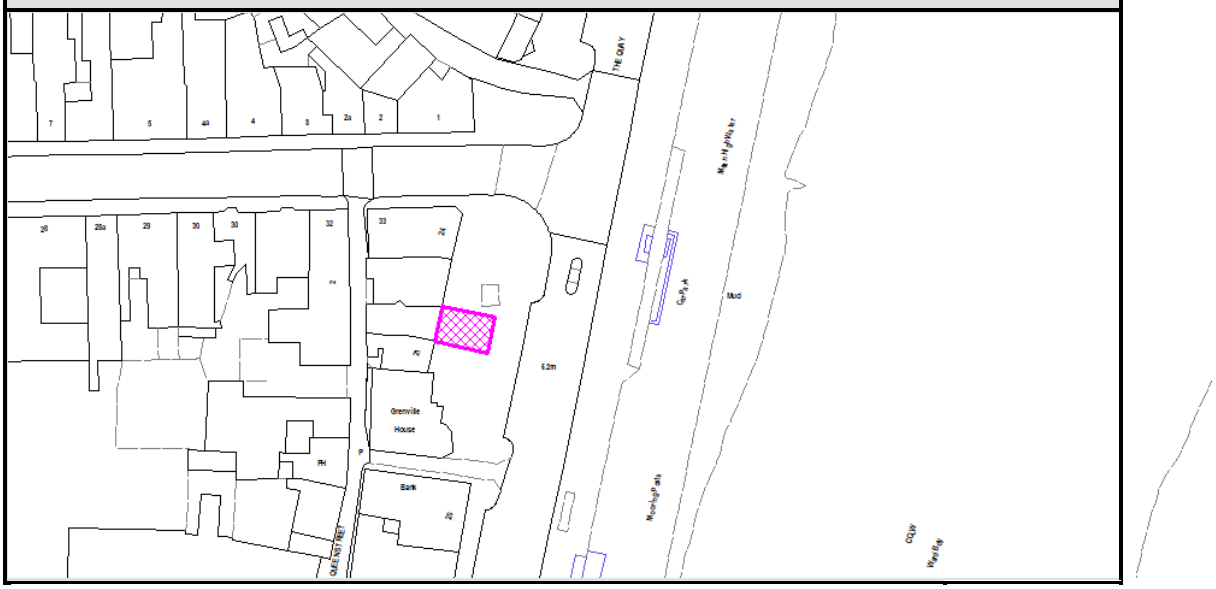
The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Committee Report – 7th December 2023

Application Number:	1/0846/2023/FUL
Registration date:	24 August 2023
Expiry date:	19 October 2023
Applicant:	Quay 22
Agent:	Fearnley Lott Architects
Case Officer:	James Clements
Site Address:	Land Adjacent Quay 22, 22 The Quay, Bideford, Devon, EX39 2EZ,
Proposal:	Retention of covered seating canopy
Recommendation:	Refuse



Reason for referral:

This application is called before Plans Committee due to Torridge District Council retaining an interest in the land.

Relevant History:

Application No.	Description	Status	Closed
1/0987/2021/FUL	Retrospective application for temporary covered seating canopy	PER	11.11.2021
1/0865/1981	CHANGE FLOOR RETAIL SHOP TO LICENSED BETTING OFFICE	PER	07.07.1981
1/0866/1981	PROJECTING SIGN AND SHOP SIGN 22, THE QUAY, BIDEFORD	REF	18.08.1981
1/0730/1990	ALTERATIONS TO SHOP FRONT	PER	07.06.1990
1/0731/1990	ALTERATIONS TO SHOP FRONT	PER	07.06.1990
1/1386/1996	CHANGE OF USE OF GROUND FLOOR TO COFFEE/TEA SHOP	PER	21.10.1996
1/1387/1996	CHANGE OF ELEVATIONAL DETAILS TO FRONT OF PROPERTY BY THE PROVISION OF A FLAT BLIND & REPLACEMENT OF EXISTING FROSTED GLAZING OF DOOR TO CLEAR PLATE, IN CONNECTION WITH THE PROPOSED USE AS A COFFEE/ TEA SHOP	PER	21.10.1996
1/0225/1997	USE OF PART PEDESTRIAN AREA AS EXTERNAL SEATING AND TABLES FOR COFFEE/TEA SHOP	PER	04.04.1997
1/0017/1999	DEMOLITION OF REDUNDANT LEAN-TO SHED & ALTERATIONS TO GUTTER DETAIL OVER REAR ENTRANCE TO `TREATS'	PER	05.03.1999
1/0768/2011/FUL	Alterations to rear elevations	PER	24.11.2011
1/0769/2011/LBC	Alterations to rear elevations	PER	24.11.2011
1/0022/2012/DIS	Discharge of condition 4 of listed building consent	PER	05.03.2012

	1/0769/2011/LBC		
1/0810/2012/LBC	Proposed alterations to kitchen & WC facilities	PER	06.12.2012
GE/0063/2018	Licensing	XPE	13.02.2018
1/0987/2021/FUL	Retrospective application for temporary covered seating canopy	PER	11.11.2021

Site Description & Proposal

Site Description
The application site is located within a prominent location on Bideford Quay. The building is a three-storey terraced building. The ground floor of the building is currently used a restaurant/café (called Quay 22). The first floor and second floor are used for a commercial office and residential use.

The application site comprises of a hard surfaced paved area immediately to the frontage of 22 the Quay. A public footpath/pavement runs to the eastern boundary of the site.

The site is within Bideford Conservation Area and the building (22 The Quay) is Grade II listed. 22 The Quay is owned by the Bridge Trust, and forms part of a terrace of listed buildings.

The site is within the Bideford Critical Drainage Area and Flood Zone 3, as defined by the Environment Agency.

Proposed Development
This application is seeking the permanent retention of a covered seating canopy area. This is to be used in association with the restaurant/café, Quay 22.

The canopy has been erected to the frontage of the building on the paved area (not physically attached to the building). The canopy structure measures 7.8 metres x 5.3 metres with a maximum height of 3.1 metres. The structure is formed of an open timber frame, with 9 timber column supports with steel shoes bolted to the ground. The roof is formed of Perspex roof panels.

The canopy cover for outside seating was erected to allow the applicants to continue to trade through the Covid-19 Pandemic. The indoor facilities are relatively modest which meant the applicant could not accommodate customers and adhere to social distancing within their premises. There is an associated pavement licence for outdoor seating, which was a temporary cover to allow the seating to continue for a 3-year period.

Retrospective planning permission was granted for the covered seating canopy by planning permission 1/0987/2021/FUL on 11th November 2021 for a temporary period of 24 months. The permission also restricted the use of the canopy and seating area to no.22 The Quay between the hours of 09:00 and 17:00 with all seating/tables to be removed after 17:00 hours. Now that the 2-year period has come to an end the applicant is seeking to retain the canopy structure and outdoor seating area.

Consultee representations:

Bideford Town Council:
RESOLVED: That the application is refused.

Environmental Protection Officer:
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

There appears to be no information provided on the operating hours of the proposed development however, it is assumed that these will replicate the hours specified in the previous application, namely 1000 to 1700 hours. Having regard for the times of use, daytime only, the Environmental Protection Team does not consider that there would be significant harm to any nearby residential amenity. Furthermore, the Environmental Protection Team has received no complaints in relation to amenity impact since the introduction of the canopy.

The Environmental Protection Team has no objections in principle however, it is recommended that a condition is imposed restricting the hours of use between 1000 and 1700 hours in order to protect residential amenity.

Devon County Highways:
None received. The Highway Authority confirmed as part of the previous application that they have no objections

Historic England:
The significance of the heritage assets:
'Prospect Place' was originally a single house, probably built by the Bideford Bridge Trust in the 1690s. As well as its location next to the quay, internal features (in particular the first floor moulded plaster ceiling of no. 22) emphasise its high status at the time of its construction. The house was subsequently divided into separate units, and re-fronted in the 19th century to keep up with the architectural style of the times. The three buildings are listed, grade II.

Quay Street is a prominent and important street within Bideford's Conservation Area – an area defined as one that is desirable to 'preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990). Quay Street has a wide frontage and this affords long views of the buildings on it, and collective views of the historic buildings together.

Your Council adopted a Conservation Area Appraisal (CAA) for Bideford in 2009 in which the key characteristics of the settlement are described. On page 13 the CAA states that: "Important views into and out of the Conservation Area are always dependent on the relationship between the river, the Quay and the buildings along the Quay".

The impact of the proposals on the heritage assets:
The retention of the timber and plastic structure would have a permanent and harmful impact on the significance of listed building. This harm would be caused by the interruption of key views to it, obscuring part of its frontage and diminishing the ability to appreciate the three parts of the listed building. The setting of various other listed buildings on Quay Street would also be harmed.
In addition, the quality, character and appearance of the Conservation Area would be eroded, and a very poor planning precedent would be set that could lead to subsequent incremental harm being caused to Bideford.

Policy issues:
Great weight should be given to the conservation of heritage assets in decision making (National Planning Policy Framework (NPPF), paragraph 199). In this instance there are several heritage assets affected given the prominent position of the structure in front of the listed building, within the conservation area, and within the setting of various other listed buildings.

Where harm is the result of a proposal (no matter the level), this must have clear and convincing justification (NPPF, paragraph 200). In this instance, because there are other options for the provision of outdoor seating that would be considerably less harmful, we consider that the justification is not present. Where harm is the result of the proposal (and has been avoided or minimised as far as possible (NPPF, paragraph 195), and has been found to be justified (which in this case we do not consider it has), your authority should undertake a balancing exercise of harm versus public benefit (NPPF, paragraph 202). In our opinion any public benefits of the proposal are difficult to identify.

Historic England's position:
We consider that a permanent structure located in this position would be harmful to various heritage assets, and that the materials of the current structure compounds this harm. Whilst temporary measures were acceptable during the Coronavirus pandemic, these extenuating circumstances should not extend beyond that period where they generate unacceptable levels of harm.

Alternative ways of providing outside seating are possible that would be considerably less harmful, for example removable tables and chairs and parasols. We appreciate that this would not afford the same protection from all weather, but this could be a viable option that would extend the season for outdoor catering to an extent. The precedent that permitting this structure would set for other buildings alongside the Quay would be very unfortunate, in particular because of the Council's acknowledgement (through the designation of a Conservation Area) that this area is of particular historic interest.

We strongly recommend that the Council uses its planning powers to control inappropriate development with historic areas, where there is little or no justification and the harm to heritage assets is evident.

Recommendation:
Historic England has strong concerns regarding the application on heritage grounds. We recommend that the application is refused or withdrawn, and the Council takes appropriate action to ensure that the structure is removed. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 199, 200 and 202 of the NPPF.

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 same Act 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 and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Conservation Officer:
The proposal now seeks to retain this canopy. The comments from the previous (retrospective) application remain relevant and as the proposal would retain this structure in perpetuity the comments raise concerns over erosion of the quality of the views within the conservation area and the setting of the listed buildings.

The opinion and advice received from Historic England is welcomed and confirms the Local Authority's concerns over this proposal.

Previous comment:
This terrace is part of the setting out of the new Quay and Bridgeland Street by Nathaniel Gascoyne after 1676. The Terrace is listed at Grade II and the buildings are sited in a visually prominent Quayside location within the Bideford Conservation Area.

The proposal seeks to retain a 'temporary' canopy structure to provide shelter to customers of 22 The Quay. This proposal has come about as a result of the COVID measures but the premises was previously served by umbrellas which could be removed as necessary.

The proposal states that it is not attached to the listed building frontage and so does not require listed building consent so this leaves the visual impact on the character and appearance of the listed building and the wider visual impact of the structure on the views along the Quay and its affect on the character of the Conservation area to be assessed.

The proposed canopy is considered to be overlarge in this location and visually dominates the terrace of buildings known as Prospect Place. The materials are modern and do not reflect the character of the terrace or the wider conservation area being out of scale with the smaller proportion of the buildings. The structure projects excessively forward of the building line beyond the proportions of a simple shelter. The Structure has a more industrial quality in this area which retains a domestic scale and proportion in the terrace behind.

The proposal is considered to harm the setting of the listed terrace and is also visually intrusive within the conservation area. It must be stated that the overall appearance is tempered by the presence of the trees and without them the shelter would appear more jarring in the streetscape.

The level of harm in terms of paragraph 202 is considered to be less than substantial for a temporary structure but this assessment is at the higher end of this scale. The impact on the conservation area and views along the quay are harmful and fail to preserve the character of the area. As such the proposal would be contrary to paragraph 72 of the Planning (listed Buildings and Conservation areas) Act 1990 where the consideration is set out clearly that the visual impact should be positive and this is not the case with the structure in situ.

While there has to be sympathy for café's at this time this challenge is the same in all historic towns and in considering how other places deal with the challenge it comes back to the use of gazebo structures which are visually lightweight and can be completely removed when necessary. This structure has such a degree of permanence that it reads as a visually intrusive feature.

The proposal should be resisted.

Representations:

Number of neighbours consulted:	8	Number of letters of support:	231
Number of representations received:	246	Number of neutral representations:	0
Number of objection letters:	15		

A summary of the 246 representations in support of the application are as follows (full details can be found on the electronic file):

Business/economic requirement:
The applicant employs local people, purchases local produce and support other local independent businesses in the town. There should be more cafes/restaurants that offer this space especially to encourage more holiday makers in the peak times to bring more revenue into the town and area.

Beneficial to locality/environment and visual amenity:
Strongly disagree that the canopy has an adverse visual impact to the area and feel that the owners do a fantastic job with regards to its decoration with hanging baskets and Christmas decorations making it more of an attraction if anything. The canopy looks fabulous and is very well kept.

Local needs requirement:
The canopy has been an absolute success for customers and the town and is a safe social space for all to enjoy.

There are still many people that prefer to have the choice of sitting outside because of the coronavirus and this has given the public the choice.

15 representations objecting to the proposal have been received which in summary have provided the following comments:

Harm to visual amenity and openness of the area;
Harm to a local businesses;

Covid is now over and therefore the temporary structure should be removed; the business should return to using umbrellas/parasols and tables;
Parking of vehicles under the canopy;
The canopy, its design and materials are inappropriate in a Conservation Area and harm the setting of the nearby listed buildings.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST12 (Town and District Centres); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM19 (Town and District Centres); ST15 (Conserving Heritage Assets);

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); WACA (Wildlife & Countryside Act 1981); NERC (Natural Environment & Rural Communities);

Planning Considerations

The main planning considerations with this application are:
1. Principle of Development
2. Impact on Heritage Assets
3. Impact on Amenity
4. Highways
5. Flood Risk & Drainage
6. Ecology
7. Economic benefits

1. Principle of Development
Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011 - 2031 (adopted 2018) (NDTLP). The NPPF must be taken into account and is a material planning considered in planning decisions.

Policy ST01 of the NDTLP requires when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The policy continues that planning applications that accord with policies in the Local Plan will be approved unless material considerations indicate otherwise. The three columns of sustainable development being economic, environmental and social cannot be undertaken in isolation because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains will be sought jointly and consequently wherever possible.

The application site is located within the Town of Bideford, which is designated as a Strategic Centre in the NDTLP. As a result, the provision of Policy ST06 is relevant which states Bideford will provide a focus for housing and employment development. Significant levels of development will be accommodated in Bideford consistent with its scale and complementary role to Barnstaple. Sustainable development opportunities will be secured to increase self - containment and achieve balanced development to enable the town to meet its own needs and those of the surrounding area.

The site is within the Town Centre of Bideford therefore Policy DM19 (Town and District Centres) of the NDTLP is relevant, which states:

'To increase Town and District Centres viability and vitality,
development proposals for retail, leisure, commercial, office, tourism, culture, community and residential development will be supported within defined Town and District Centre boundaries, subject to satisfactory regard to:
a) The retention and enhancement of the Town and District Centre's historic character;
b) The proposed development being readily accessible by sustainable transport modes; and
c) The effective use of uppers floors is maintained or secured.'

The Primary Frontage and Primary Shopping Area provides a retail focus, which the policy seeks to retain. Policy DM19 also facilities diversification of use to maintain buoyant town centres. A mix of leisure, tourism, culture, community and residential development will be acceptable providing the viability of the commercial activities is not undermined.

The planning use of the building is not changing therefore there will be no loss of retail viability as a result of the proposal. The outdoor seating area is considered to improve economic viability of the business and facilities available in this town centre location. The proposal has the potential to generate additional income for the business and hence there would be economic and social benefits from the proposal. Consideration should also be given to the impact on heritage assets, amenity, highways, flood risk and drainage and ecology.

2. Impact on Heritage Assets
The proposal is within the Bideford Conservation Area where the presumption is to preserve and enhance the character of northern Devon's historic environment. As set out in this report, the café building is a grade II listed building, as part of the terrace listed buildings known as Prospect Place. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states when considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker 'must have special regards to the desirability of preserving the building or its setting, or any features of special architectural or historic interests which it possesses'.

Section 72 of the Listed Buildings Act imposes a duty when considering whether to grant planning permission for development which affect a conservation area to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that conservation area. In terms of determining planning application, paragraph 197 of the NPPF requires that Local Planning Authorities should take account of:-
a) The desirability of sustaining and enhancing the significance of heritage assts and putting them to viable uses consistent with their conservation;
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
c) The desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the conservation of heritage assets in decision making (NPPF paragraph 199). Where harm is the result of a proposal (no matter the level), this must have clear and convincing justification (NPPF, paragraph 200). In this instance, because there are other options for the provision of outdoor seating that would be considerably less harmful, we consider that the justification is not present. Where harm is the result of the proposal (and has been avoided or minimised as far as possible (NPPF, paragraph 195), and has been found to be justified the local planning authority should undertake a balancing exercise of harm versus public benefit (NPPF, paragraph 202).

In terms of new development within Conservation Areas, paragraph 206 requires that 'Local Planning Authorities should look for opportunities for new development within Conservation Area and World Heritage Site, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourable.'

Policy ST15 (Conserving Heritage Assets) and Policy DM07 (Historic Environment) of the NDTLP also require that great weight be given to the desirability of preserving and enhancing northern

Devon's historic environment.

Historic England has strong concerns and has provided comment as set out above. They recommend that the application is refused or withdrawn, and the Council takes appropriate action to ensure that the structure is removed.

The Council's Conservation Officer has also been consulted and raises concern, reiterating the comments made in respect of the previous temporary application. The Conservation Officer indicates that the opinion and advice received from Historic England is welcomed and confirms the Local Authority's concerns over this proposal.

As 'less than substantial' harm has been found, paragraph 202 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. Full details of public benefits are discussed elsewhere in this report, and as required by paragraph 202 of the NPPF and Policy DM07 of the NDTLP further consideration of the balancing exercise is to be undertaken as set out with the planning balance of this report.

3. Impact on Amenity
One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:
a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

As part of this application, the Environmental Protection Team provided the following comments:

'There appears to be no information provided on the operating hours of the proposed development however, it is assumed that these will replicate the hours specified in the previous application, namely 1000 to 1700 hours. Having regard for the times of use, daytime only, the Environmental Protection Team does not consider that there would be significant harm to any nearby residential amenity. Furthermore, the Environmental Protection Team has received no complaints in relation to amenity impact since the introduction of the canopy.'

It is considered that the proposal does not cause any significant harm to nearby neighbouring amenities.

Taking account of the above, it is considered that the proposal accords with Policy DM01 of the NDTLP and the requirements of the NPPF.

4. Highways
Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or where the residual cumulative impact of development are severe.

Policy DM05 of the NDTLP requires development to have safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians and all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connection to these routes where practical to do so. Policy DM06 states that proposal will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

The Highway Authority have been consulted but no response has been received at the time of writing. The Highway Authority confirmed as part of the previous application that they have no objections; there are no material changes with regard to this application that would alter their recommendation.

Taking account of the above, it is considered that the proposal accords with Policy DM05 of the NDTLP and the requirements of the NPPF.

5. Flood Risk & Drainage
The site is located within a Critical Drainage Area. Policy ST03 of the NDTLP states that development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by reducing existing rates if surface water runoff with Critical Drainage Areas.

The application is supported by a Critical Drainage Statement, which concludes that given that the building is located over an existing hard surface, the amount of water run off created by the roof is negligible. The roof has been designed at a pitch, to allow for water run-off, with guttering either side. In having regards to the above, it is reasonable to consider that the development will not materially result in an increase in surface water run-off within a critical drainage area.

The site is also located with Flood Zone 3. Policy ST03 of the NDTLP states that development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by (a) locating and designing development to minimise flood risk through (i) avoiding the development of land for vulnerable uses which is or will be at risk from flooding, and (ii) managing and reducing flood risk for development where that has wider sustainability or regeneration benefits to the community, or where there is no reasonable alternative site.

Paragraph 168 of the NPPF requires that the sequential and exception tests to be considered except for when determining some minor development (of less than 250 square metres in footprint) and change of use (this does not apply to caravan, camping or chalet sites, or to mobile homes or park home sites).

Given that the development is for an open-sided canopy over an existing outdoor paved seating area, it is unlikely that the development will impede the flow of flood waters or result in an increase in risk to the public.

It is noted that the proposal would appear to be supported by paragraph 167 (e) of the NPPF, which supports proposals that demonstrates safe access and escape routes.

Taking account of the above, it is considered that the proposal accords with Policy ST03 of the NDTLP and paragraphs 167 and 168 of the NPPF.

6. Ecology
Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006. The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policies ST14 and DM08 of the NDTLP.

Based on the plans submitted, it is considered that the proposed development will not have significant adverse impact on statutorily protected nature conservation sites. A Wildlife Trigger List was submitted as part of the planning application which concluded that there will be no effect on protected species as a result of this scheme.

As such the proposal is considered to fulfil the above statutory duties and the provision of policies DM08 and ST14 and the requirements of the NPPF.

7. Economic benefits
The NPPF Chapter 6 ‘building a strong, competitive economy’ (paras 81-85) relates to economic development. Paragraph 81 states that, ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on

the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

Policy ST11 relates to employment and economic development and seeks to support proposals for economic growth and supports employment generating opportunities to meet identified needs and locally determined growth aspirations. Policy ST11 further notes that support will be given to existing sectors to ensure that they continue to flourish and grow in a sustainable manner and the modernisation of employment sites will be encouraged in order to meet current and future business needs.

Bideford is designated as a Strategic centre within Policy ST06 of the NDTLP. Policy BID sets out the Bideford Spatial Strategy for the plan period up to 2031. The policy states that:

'Bideford will continue to be a focus for growth in northern Devon, which will be delivered without prejudice to valued environmental assets having due regard to the importance of the areas setting and landscape quality.

Bideford will provide an enhanced range of services and facilities to meet the needs of its residents and hinterland. The town will offer a choice of well-designed housing which meets lifetime needs with a network of greenspaces linking the surrounding countryside. There will be a diverse range of local employment supported by a skilled workforce with strong linkages to enhanced educational infrastructure… The town centre will be vibrant, attractive and safe for all users with a range of retail and leisure activities achieved through a programme of regeneration and public realm enhancements that encourages increased use and investment.'

The existing canopy structure provided justifiable economic benefits during the global pandemic when social distancing drastically affected the covers that could be carried out within the café. Ensuring that businesses and streets could retain their vitality and viability was encouraged at the national and local level and in this case was clearly successful. The canopy continues to provide some economic benefits, which will be weighed in the planning balance below. However, the pandemic justification for the structure is no longer a material consideration.

The supporting statement and D&S have not explicitly sought to justify the retention of the canopy on economic/viability grounds; and it is assumed that the amount of seating within the café has returned to pre-pandemic levels.

It should be noted that the strategic policy states that economic development will be delivered without prejudice to valued environmental assets (which include conservation areas and listed buildings) having due regard to the importance of the areas setting and landscape quality.

Planning Balance and Conclusion

The Government gave support to pubs, cafes and restaurants during the current COVID-19 Pandemic and put in place a number of measures to help businesses thrive, in particular encouraging outdoor seating areas to serve food and drink. This included temporary changes to licensing laws. The Levelling-up and Regeneration Act has made the outdoor seating licensing permanent However, these measures do not indicate that development should be allowed that is harmful to the character and appearance of an area.

Officers can appreciate why the applicant has opted for a more robust structure, resulting in this space being able to be used at all times, particular when there is inclement weather. There is no doubt that the use of this structure generates additional income for the business and the local economy, hence there would be economic benefits derived from this proposal. There were also some social benefits of the canopy particularly during the pandemic.

However, whilst there are some social and economic public benefits accruing for the outdoor seating area, these are considered to be very limited given the identified harm. The outdoor seating area could still function without the canopy with, for example, the use of tables and parasols.

The above identified benefits have to be weighed against the impact of the development upon the host building (grade II listed) as well as the wider designated Conservation Area. The proposal does not look like a canopy, instead it appears like a substantial and solid extension to the building. Owing to its thick wooden frame and Perspex roof, and more enclosed appearance, the proposal is considered to harm the setting of the listed terrace and is also visually intrusive within the Conservation Area.

Whilst there would be some economic benefits associated with the proposal, this is not of sufficient magnitude to outweigh the identified harm caused to the character and appearance of the Conservation Area and setting of the listed terrace. Whilst the harm to the heritage asset is less than substantial in the context of paragraph 202 of the Framework, the identified public benefits do not outweigh the less than substantial harm to the setting of the listed terrace and harm to the Conservation Area.

Officers are sympathetic to the disruption caused by the pandemic, but this is no longer relevant and the structure should be removed and a more modest approach, which is sensitive to visual amenity and does harm to the conservation area and setting of the listed buildings, should be sought.

The proposed development is therefore recommended for refusal.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

1 By reason of the less than substantial harm to the setting of the host listed building and listed terrace and the Bideford Conservation Area, with no demonstrable public benefit outweighing the identified harm, the proposed retention of the covered seating canopy is considered to be contrary to policies ST15 and DM07 of the North Devon and Torridge Local Plan 2011-2031 and guidance within the NPPF and NPPG.

Plans Schedule

Reference	Received
21052 01	24.08.2023
21052 02	24.08.2023

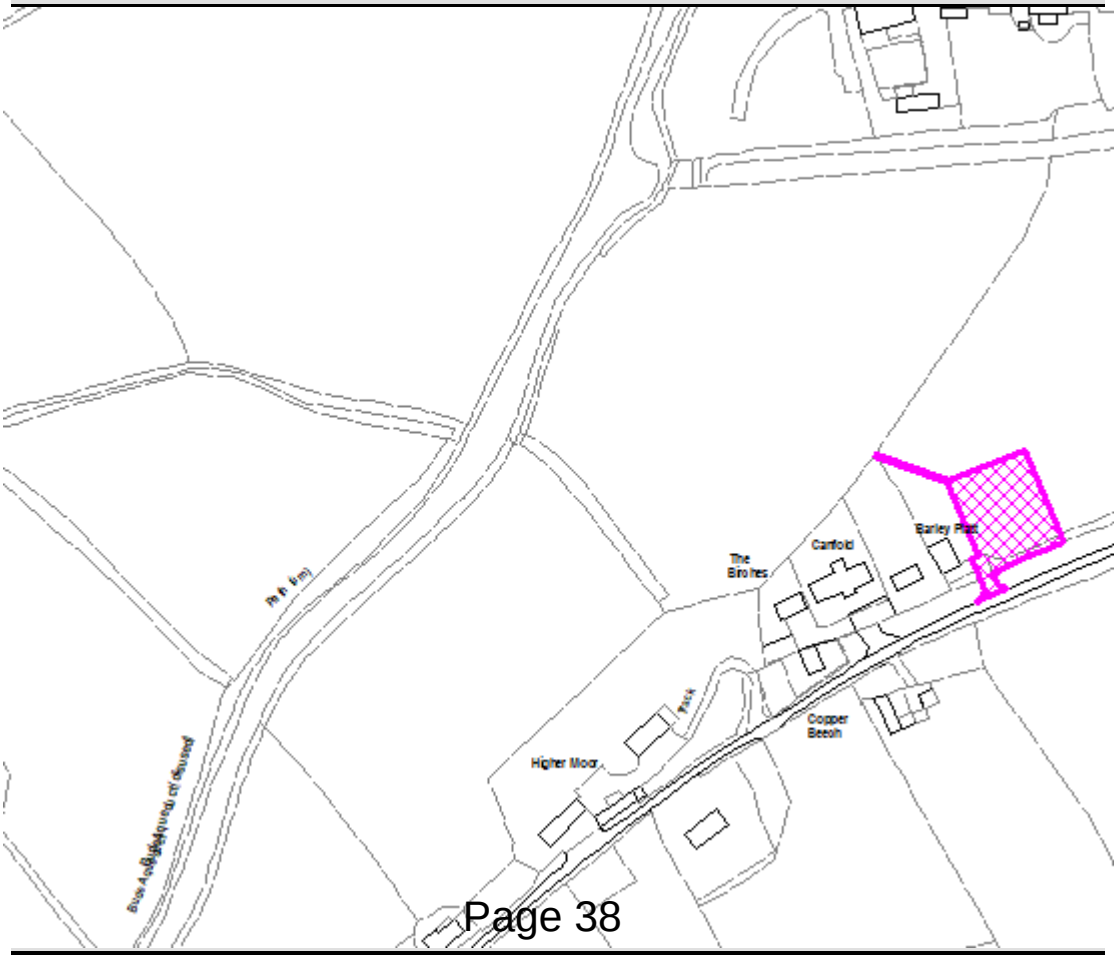
Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application. In this instance the applicant did not enter into pre-application discussions with the Council.

Agenda Item 7c

Committee Report – 7 December 2023

Application Number:	1/0632/2023/OUT
Registration date:	28 June 2023
Expiry date:	23 August 2023
Applicant:	Mr & Mrs Bacon
Agent:	DN Planning Services
Case Officer:	Mrs Nicola McGill
Site Address:	Land Adjacent Barley Flat, Pancrasweek, Devon
Proposal:	Outline application for 1no. local needs dwelling with all matters reserved
Recommendation:	Refuse



Reason for referral:

The application was called in to be heard at Plans Committee by Councillor James. The reasons given are as follows:

- An urgently required bungalow for an applicant with increasing needs
- Adjoins existing local need development
- His daughter lives in one of those adjacent homes
- His son lives at a large dairy unit just up the road
- He is able to get family support
- Similar dwelling built for identical reasons 200yards along the road as a local need.

Relevant History:

No relevant history.

Site Description & Proposal

Site description
The application site known as 'land adjacent to Barley Platt, Lishper Hill' is located in the open countryside approximately five kilometres northwest of the closest recognised settlement Holsworthy, which is defined as a Main Settlement in the adopted North Devon and Torridge Local Plan (Local Plan).

The site is a small parcel of agricultural land approximately 0.098 hectares in size. The dwelling known as 'Barley Platt' and a barn are located to the west of the site. Agricultural land surrounds the rest of the site, and a classified highway runs along the southern boundary of the site.

The site does not fall within any allocated land designation and is not located within close proximity to any protected heritage asset. The Landscape Character type for this site is 1F (Farmed Lowland Moorland and Culm Grassland) and falls within a Zone 1 flood risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is consider a low probability of flooding.

Proposed development
The application seeks full planning permission for 'outline application for 1no. local needs dwelling with all matters reserved (amended description)'.

An indicative block plan has been submitted which shows a two-bed bungalow and garage accommodated within the centre of the site, with parking and turning facilities. Entry to site will utilise an existing field entrance. The site would be enclosed by a mixed native hedgebank on its eastern and northern boundaries. An existing boundary hedge separating the site from the public highway will be retained to the south. Surface water is shown to be drained to a soakaway, with foul water to be managed by a mini sewage treatment plant.

Consultee representations:

Pancrasweek Parish/Town Council (first response sent 19 July 2023):
Ref 1/0632/2023/OUT

Outline application for 1 no. dwelling with all matters reserved
Land Adjacent To Barley Platt, Pancrasweek, Holsworthy, Devon

The Council object to the application. The applicant claimed that there were not any suitable properties for sale in the area therefore he needed permission to build a bungalow due to his ill health, near to his daughter who would care for him. There is in fact a bungalow for sale, for which the

applicant had originally obtained planning permission, next to where his daughter lives. His present property is within walking distance of where his daughter lives.

Pancrasweek Parish/Town Council (second response sent 11 August 2023):
1/0632/2023/OUT
outline application for 1no. local needs dwelling with all matters reserved (amended description)
Land Adjacent To Barley Platt, Pancrasweek, Holsworthy, Devon

With reference to the above-mentioned planning application, the comments previously submitted by the Council still stand.

The bungalow that was for sale is now being offered to let.

Environmental Protection Officer:
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The application site adjoins agricultural land to the north, east and south with existing dwellings to the west. An agricultural building is located immediately adjacent to the application site on the western boundary and appears to be in the ownership of the applicant. Although reasonably small in scale, the neighbouring building has the potential to adversely impact the residential amenity of the proposed dwelling depending on its use. Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition stipulating that the neighbouring building cannot be used for livestock accommodation and the storage of slurry or silage in order to protect residential amenity.

The application contains no detailed information on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation.

Although the application site appears undeveloped, having regard for the sensitive end use, it is essential that measures are in place to ensure the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:
Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.
Reason: To protect residential amenity and the environment

The proposed development is to be served by a new package treatment plant discharging to a watercourse. DEFRA's General Binding Rules stipulates that the receiving watercourse should normally contain a continual annual flow. The site plan appears to indicate discharge to a field which, contrary to Policy DM02, would not be an acceptable means of discharge. The Environmental Protection Team will require further information on the proposed foul drainage scheme to ensure a suitable provision, that accords with relevant guidance, serves the proposed development.

Devon County Council (Highways):
Standing advice.

Representations:

Number of neighbours consulted:	4	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations received

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); DM02 (Environmental Protection); ST03 (Adapting to Climate Change and Strengthening Resilience); DM24 (Rural Settlements)

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981)

Planning Considerations

The main considerations in the determination of this application are:

1. Principle of development
2. Character and appearance
3. Residential amenity
4. Ecology and biodiversity
5. Highways
6. Drainage

1. Principle of development
Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

Rural Settlements are generally considered to be locations whereby new housing is resisted due to their rurality and lack of services, unless the proposed housing meets with a locally identified need. It is acknowledged that the proposal seeks a local needs dwelling.

Policy support for local needs dwellings is restricted to proposals located within qualifying rural settlements, subject to compliance with Policy DM24 of the adopted North Devon and Torridge Local Plan 2011-2031 (Local Plan) as follows:

In qualifying Rural Settlements, proposals for local occupancy dwellings to meet a locally identified housing need will be supported where:
(a) the development site forms part of a small closely grouped or contiguous built form of housing that is physically separate from urban areas of other defined settlements;
(b) the scale is proportionate to the settlement's size, form and character;
(c) the site is within or directly adjoining the built form of the settlement;
(d) the size of the dwellings are no larger than can be justified by the established need;
(e) it would not harm the settlement's rural character and setting; and
(f) secure arrangements are made to ensure the dwellings remain available to meet the locally identified housing needs of the local community both initially and in the long term provided the need exists.

Policy ST07 (3) sets out qualifying 'Rural Settlement' as '*Rural Settlements which contain at least one prescribed service or community facility, appropriately located development of a modest scale will be enabled to meet locally generated needs'*. The Local Plan Glossary defines Rural Settlements as: ***'a small, closely grouped cluster of housing that contains at least one local service or community facility.***'

The application site is located within the village of Pancrasweek, a Parish described as consisting of small, scattered clusters of development without a village centre or services. The site seeks to extend existing linear development without village centre or services and is considered for the purposes of the adopted Local Plan to fall outside of the definition of a 'rural settlement'. It is therefore classified as being located in the open countryside.

As the application site relates to open countryside, there would be no in-principle policy support for a local needs dwelling in this location, and thus the proposal will be considered as an open market dwelling.

Policy ST07 of the Local Plan sets out the spatial development strategy for northern Devon's rural area, and clarifies that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

The National Planning Policy Framework (NPPF), (Paragraph 80) is clear in that it states that proposals for isolated dwellings in the countryside should be avoided, unless the proposal falls within one of the following categories;

- *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;*
- *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;*
- *The development would re-use redundant or disused buildings and enhance its immediate setting;*
- *The development would involve the sub-division of an existing residential dwelling; or*
- *The design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

None of the above special circumstances would apply to this development.

As set out in the planning statement submitted in support of this proposal, the applicant sought pre-application advice prior to the submission of this proposal. The officer concluded that the principle of development on this site is likely to be unacceptable due to its distance from any settlement, and the subsequent harm which arises from new residential development in the countryside.

Information submitted in support of this application indicates the applicant currently lives in a two-storey dwelling located 175 metres to the north of the site. They have mobility issues '*which are expected to deteriorate and so wishes to live in a purpose build bungalow…the site chosen is owned by the applicant and is an ideal location for a new dwelling, both being well related to the existing built form as well as adjacent to their daughter's house. Their son also lives in Pancrasweek. Remaining in Pancrasweek will allow their family to provide any ongoing support. They have looked into purchasing a bungalow in the parish and surrounding area but there are none available or not suitable for Mr Bacon's needs'*.

No further details have been supplied.

Pancrasweek Parish Council were consulted as part of this application and objected on the basis that at the time of the application submission '*there is in fact a bungalow for sale, for which the applicant*

had originally obtained planning permission, next to where his daughter lives. His present property is within walking distance of where his daughter lives'.

The applicant secured one open market dwelling and two local needs dwellings in 2015 under reference 1/0654/2015/FUL. The three dwellings are located approximately 45 metres to the west of the proposed site. One of these dwellings, the open market bungalow, was listed for sale on 5 May 2023. It does not appear to have been sold.

The Parish Council made further representations sent on 11 August 2023 which asserted that the bungalow for sale was now being offered to let.

To support this application the agent provided details of what they believe to be a similar case. Reference number 1/1028/2021/FUL, which relates to the erection of a local needs dwelling in Bridgerule, is relevant. Although the policy considerations are similar, at the time of determination of the Bridgerule application, the Council could not demonstrate a five-year housing land supply. Consequently, there was a need to apply the presumption in favour of sustainable development (the 'Presumption') (paragraph 11(d), NPPF) as a material consideration in determining planning applications for housing.

The same policy context does not exist in the consideration of the current application. The Local Planning Authority currently have a five-year supply of deliverable housing sites (5YHLS), so there is no need to apply the presumption in favour of sustainable development (the 'Presumption') (paragraph 11(d), NPPF). The Council has reason to believe that during the course of this application, a suitable property was available. Further to this the applicant has not demonstrated sufficient need to justify the development plan being set aside and, on this basis, it is not possible to support the proposed development.

2. Character and appearance
Policy DM04 outlines that development proposals adhere to the standards of good design. The policy states that, *'good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of any new developments. It seeks not just to manage land use but supports the creation of successful places and responds to the challenges of climate change*.' The policy provides fourteen design principles that developments should have regard to.

Policy ST04 supports development proposals that, *'achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04*.'

Part 12 of the NPPF attaches great importance to the design of the built environment and states that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In addition, Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes.

Clearly the residential development of the site would change the character of the site to a significant degree. The proposed building is set away from other residential units and is separated by an existing barn. Although the local planning authority would have control of the detailed design through consideration of a reserved matters proposal, any dwelling in this location (given its countryside location) is likely to appear as incongruous and is contrary to policies ST04, DM04 and DM08A.

3. Residential amenity
Policy DM01 of the Local Plan confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses, or result in harm to the future

occupiers of the development from existing or allocated uses. Part (i) of Policy DM04 also includes a similar policy direction.

The Council's Environmental Protection team (EP) were consulted as part of this application, and they raised concerns regarding the proximity of the existing agricultural building to the west of the proposed site. To protect the residential amenity of future occupiers, the EP officer recommended the imposition of a condition stipulating that the neighbouring building cannot be used for livestock accommodation and the storage of slurry or silage.

It is not clear whether the agricultural building is under the control of the applicant. It is noted a mixed native hedge bank could be proposed to the north and east of the site (although this is only indicative at this stage). There is also an established hedgerow screening the proposed site from the public highway to the south. No hedgerow is proposed to screen the proposed dwelling from the agricultural building.

The Environmental Protection Team recommends conditions relating to contaminated land. These could be attached to any planning permission at the site.

It is noted that no objections have been received from neighbouring occupiers.

The proposal is considered to accord with Policy DM01 and part (i) of Policy DM04.

4. Ecology and biodiversity
Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the Local Plan. Policy ST14 of the Local Plan seeks to deliver biodiversity net gain where possible.

The application was accompanied by Devon County Council's Wildlife Trigger List, which confirms that an ecological survey and report is not required.

In relation to biodiversity enhancement, the application includes a statement which confirms that the proposal would deliver new native species hedge banks and tree planting. It is agreed that this would deliver sufficient enhancement. This would be further assessed as part of any further Reserved Matters application, with the proposed site plan being only indicative at this stage.

It is concluded that the proposal accords with policies DM08 and ST14, as well as the other legislation referred to above, subject to a condition to secure the enhancement measures.

5. Highways
Policies ST10 and DM05 of the Local Plan seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the Local Plan seeks to ensure that appropriate parking provision is delivered as part of development. ST10 and DM06 also seek to encourage the use of sustainable modes of transport and reduce reliance on the use of private motor vehicles.

The Highway Authority has referred to its standing advice document.

Whilst it is noted that access is a matter for future consideration, due consideration must be given to the principle of an access at the site. The existing access, shared with the agricultural building, offers acceptable visibility and the surrounding highway network can comfortably accommodate the vehicle movements that would likely be associated with the proposal.

The indicative site plan shows that acceptable parking and turning facilities can be provided. These details would fall to be considered as part of a future reserved matters submission.

Taking account of the above, it is concluded that the proposal accords with policy DM05, ST10 and DM06.

6. Drainage
Policy DM02 of the Local Plan requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development. Policy ST03 seeks to reduce flood risk.

Surface water is proposed to be addressed via a soakaway to the north. The proposed development is to be served by a new package treatment plant discharging to a watercourse. The Council's Environmental Protection team have been consulted as part of this application and offered the following view:

'*DEFRA's General Binding Rules stipulates that the receiving watercourse should normally contain a continual annual flow. The site plan appears to indicate discharge to a field which, contrary to Policy DM02, would not be an acceptable means of discharge. The Environmental Protection Team will require further information on the proposed foul drainage scheme to ensure a suitable provision, that accords with relevant guidance, serves the proposed development'*.

As the application is for outline permission with all matters reserved then drainage will be considered in full as the reserved matters stage. At this outline stage, it is considered that suitable drainage provision can be accommodated on site for the proposed development.

7. Conclusion
As discussed earlier, the site is located within the countryside, outside of any defined development boundary. The principle of residential development in this location is not supported by adopted planning policy and is therefore unacceptable. The Council can demonstrate a five-year housing land supply, identifying a 5.09-5.16-year supply of deliverable housing land when considered against the relevant housing requirement. As such, the Local Plan has primacy in relation to planning decisions.

Accordingly, it is concluded that the proposal does not accord with the provisions of the spatial strategy set out in the development plan. Given that there are no other material considerations that suggest that the development plan should be set aside, it is recommended that planning permission be refused.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

1 The proposed dwelling would be located within a countryside location, outside of any defined development boundary. Without any justification being provided for a dwelling in this countryside location, the principle of residential development is unacceptable, and the proposal is contrary to Policies ST07 & DM24 of the adopted North Devon and Torridge Local Plan 2011-2031.

2 The development would appear incongruous in this countryside location and would not respect or relate to the surrounding context and thus would detract from the rural character, causing harm to the intrinsic qualities of the countryside. The proposal is therefore contrary to Policies ST04, DM04 and DM08A of the adopted North Devon and Torridge Local Plan 2011-2031.

Plans Schedule

Reference	Received
Location Plan	28.06.2023

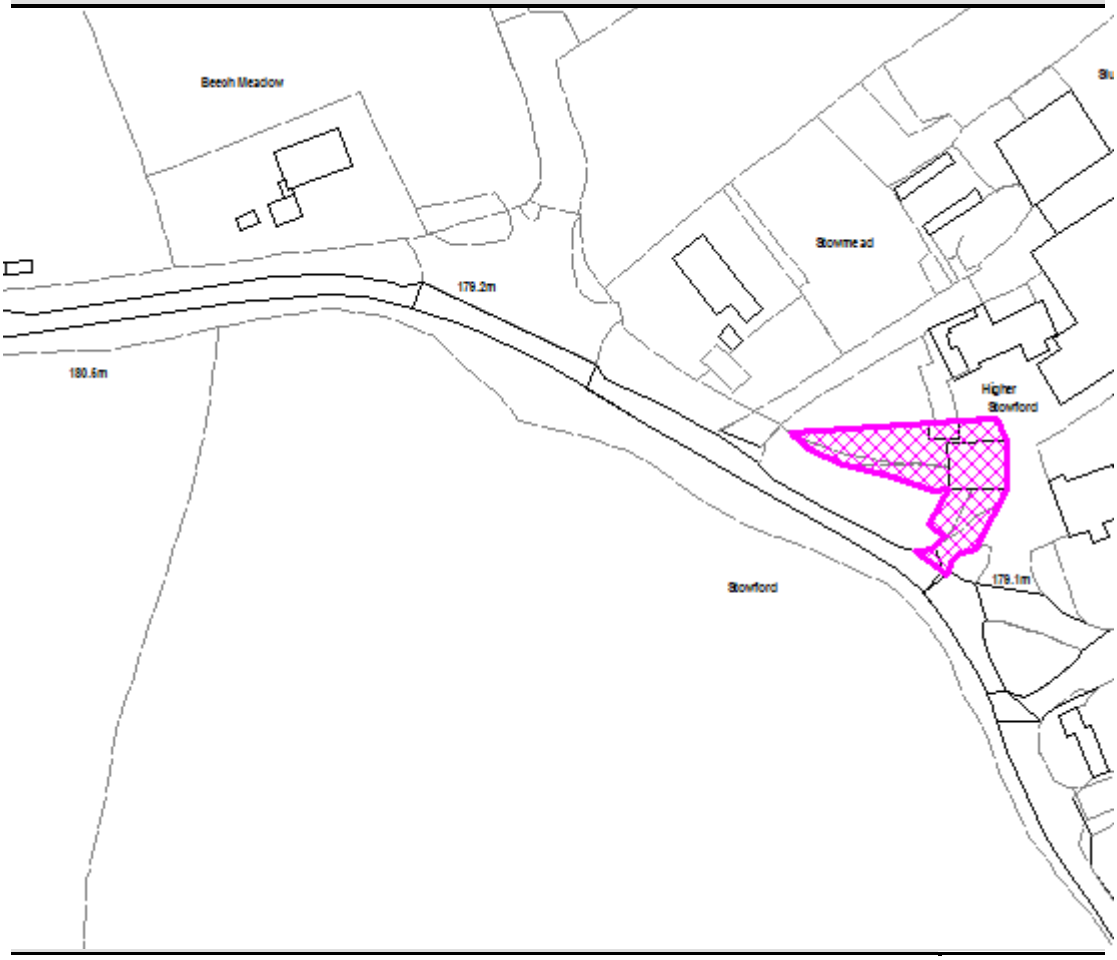
Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

The applicant entered into pre-application discussions where key issues were identified. The documents submitted have failed to address the issues raised at a pre-application stage therefore no further discussion was deemed necessary at application stage, as these issues has not been adequately addressed.

Committee Report – 7th December 2023

Application Number:	1/0707/2023/FUL
Registration date:	7 August 2023
Expiry date:	2 October 2023
Applicant:	Lee James & Heidi Horn
Agent:	Piper Architecture Ltd
Case Officer:	Debbie Fuller
Site Address:	Barn at Grid Reference 243124 097942, Halwill, Devon
Proposal:	Conversion of redundant rural building to residential dwelling
Recommendation:	Refuse



Reason for referral:

Councillor James has referred the planning application to Plans Committee for the following reasons:

- *The application makes use of a redundant building (in line with current policy and Government Permitted Development Consultation)*
- *It provides a dwelling for a young couple (retention of young people in our Rural Communities)*
- *The applicants are the son who works there on the family farm and the member of well-known established farming business*
- *The siting of the Barn does not have a major material effect on the running of the farm and vice-a versa*
- *The application should be decided on material effect not theoretical circumstances.*

Relevant History:

Application No.	Description	Status	Closed
1/1586/1994	PROPOSED AGRICULTURAL BUILDINGS	Approved	15.12.1994
1/2256/2006/AGR	Extension to agricultural building to provide machinery and fodder storage	Approved Determination	05.12.2006
1/1140/2009/FUL	Proposed roof to cover existing cattle milling / collecting yard	Approved	05.01.2010
1/0085/2016/FUL	Construction of dry cow housing.	Approved	03.03.2016

Site Description & Proposal

Site Description

The application building is a detached barn, located approximately one mile south of 'Halwill,' on 'Higher Stowford Farm.' The main farmhouse is approximately 14 metres to the north of the barn. There are dwellings (not within the same ownership), known as 'Stow Mead,' 50 metres to the northwest, and 'Stowford Barton,' 10 metres to the southeast. The current access is from the road to the south.

Proposed Development

The planning application seeks full planning permission for the conversion of a redundant barn to create a three-bed dwelling.

There is a proposed side extension (west), which measures approximately 3.2 metres in depth, 5.5 metres in width and 3 metres in height. The works include isolated repairs to the cob, replacement of timber posts and frame, lintels, underpinning of the walls and a new floor. The existing rear lean to is to be replaced. The existing garage to the rear, is to be replaced.

The proposed materials are lime render for the walls; retention of natural stone; natural slate for the roof of the dwelling; aluminium conservation style rooflights, timber windows, aluminium doors; and composite cladding and corrugated roof sheets for the rear extension.

The access will be separated from the main farmhouse. Two parking spaces are proposed to the front of the proposed dwelling, and one to the rear, in front of the garage. A garden area will be created to the west of the proposed dwelling, creating a separate area from the garden of the main farmhouse.

Consultee representations:

Devon County Council:
Refer to Standing advice.

Halwill Parish/Town Council:
No response received.

Environmental Protection Officer: (first response, received 9th August 2023)
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The application building is located on a wider farmstead consisting of several large agricultural buildings in close proximity to the northeast. The agricultural buildings appear to house livestock and as such, given the close proximity and scale of the farmstead, there is the potential for an adverse impact on residential amenity from the odour, noise and fly nuisance associated with livestock. The Environmental Protection Team considers the proposed development to conflict with Policy DM01 and objects to the application on the grounds of harm to amenity.

The application contains no detailed information on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.

The proposed development is to be served by an existing non-mains foul drainage provision. However, no information has been submitted to indicate that the existing provision has the capacity to accommodate the additional loading associated with the proposed development.

Environmental Protection Officer: (second response, received 30th October 2023)
Further to the previous consultation response dated 9 August, the Environmental Protection Team has reviewed the additional information pertaining to the use of buildings on the wider farmstead. Having regard for the uses, which are considered to result in harm to residential amenity contrary to Policy DM01, the Environmental Protection Team reiterates its objection to the proposed development.

Representations:

Number of neighbours consulted:	4	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

One objection has been received, which supports the conversion of redundant outbuildings to dwellings, but only if they are built to meet Local Needs.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character) and DM27 (Re-use of Rural Buildings).

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities) and WACA (Wildlife & Countryside Act 1981).

Planning Considerations

Main planning considerations: -

1. Principle of development
2. Character and appearance
- *Structural integrity and proposed works*
- *Historic Interest*
- *Impact on the immediate setting of the building and the wider character*

3. Access, Parking and Highway Safety
4. Residential amenity
5. Flooding and drainage
6. Ecology

1. Principle of development
In planning terms, the site is in the open countryside. The North Devon and Torridge Local Plan (NDTLP) seeks to restrict development within the open countryside (beyond villages, local centres, and rural settlements) to that 'which is enabled to meet local, economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.' (Policy ST07: 'Spatial Development Strategy for Northern Devon's Rural Area'). Therefore, rural building re-use is supported in principle.

Paragraph 80 of the National Planning Policy Framework (NPPF) states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless on or more of the following circumstances apply:' Criteria c ('the development would re-use redundant or disused buildings and enhance its immediate setting.' is relevant here. The proposed conversion is supported by national policy.

Policy DM27: 'Re-use of Disused and Redundant Rural Buildings,' in the Local Plan supports the conversion of rural buildings where: -
(a) Such conversion would not harm any intrinsic qualities and historic interest of the building;
(b) The proposal will have a positive impact on the immediate setting of the building and the wider character is protected;
(c) Development can be achieved without significant external alteration, extension or substantive rebuilding;
(d) Suitable highway access can be provided and the surrounding highway network can be support the proposed use(s); and
(e) Any nature conservation interest within the building or wider site is retained.

The principle of the re-use/conversion of the redundant rural building is supported by the NDTLP. It is accepted that the barn is redundant. Further assessment including structural aspects, historic interest, impact on the immediate setting, amenity, highway access and ecology are covered in the sections below.

2. Character and appearance
Policies DM04: 'Design Principles,' and ST04: 'Improving the Quality of Development,' in the Local Plan aim to ensure good quality design.

Policy DM04 seeks to guide overall scale, density, massing, height, landscape, layout, materials access and appearance of development. The policy requires development to be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. Policy ST04 states 'design

will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in DM04.'

The NPPF, (specifically Part 12), attaches great importance to the design of the built environment and states that developments are sympathetic to local character, including the surrounding built environment, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Structural integrity and proposed works
Policy DM27 requires that the building is physically capable of conversion and re-use for the intended purpose. This must be achievable without significant alteration, extension, or substantive rebuilding (criterion c).

The barn has been assessed in detail, and the submitted 'General structural appraisal report,' concludes, *'This report concludes that the barn is structurally suitable for conversion as is proposed such that it may be conserved and repurposed.'*

The works involve repairs, and the replacement of an existing lean to, and the addition of an extension, but overall, it is considered that the external works are compliant with policy.

Historic Interest
Policies ST15 and DM07 of the Local Plan aim to protect north Devon's historic environment. Policy DM27 requires that such conversion would not harm any intrinsic qualities and historic interest of the building (criterion a). Whilst the barn is not listed, it is clear it has some historic value. The proposed works aim to retain the original features as much as possible and is therefore in accordance with policies ST15, DM07 and DM27 (a) of the NDTLP.

Impact on the immediate setting of the building and the wider character
A fundamental principle underpinning the Policy DM27 *'Re-use of Disused and Redundant Rural Buildings,'* is the protection of the rural character. Development proposals will be expected to make a positive contribution to rural character. The conversion should be undertaken in a sympathetic manner which retains important aspects of the original character and any distinctive elements of the building's design. The conversion must ensure that the immediate setting of the building is enhanced. The proposal should pay regard to highway access, landscaping, means of enclosure and the provision of domestic paraphernalia to ensure there is a positive contribution to the setting of the building and not detract from the wider rural character of the countryside.

Policy DM08A 'Landscape and Seascape Character' of the Local Plan states that '*Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes'.*

It is proposed to locate the amenity space to the rear of the building, and this is a positive contribution towards retaining the setting, as domestic paraphernalia (such as garden furniture, children's play equipment etc) will be screened.

Overall, the proposed works for the conversion are appropriate and sympathetic to its setting in terms of materials, fenestration and appearance, and the design is based on a clear process that analyses and responds to the characteristics of the site, its wider context, and the surrounding area. The proposed scheme therefore accords with Policies DM04, ST04, DM08A and DM27 (b) in the Local Plan.

3. Access, Parking and Highway Safety
Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DM05 of the Local Plan requires development to have safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and all development shall protect and enhance existing public

rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so. Policy DM06 of the Local Plan states that proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs. Policy DM04: 'Design Principles' has a criterion related to 'safe and appropriate highway access.' Policy DM27 (d) states, *'Suitable highway access can be provided, and the surrounding highway network can be support the proposed use(s).'*

The proposed dwelling will have its own access separate from the main farmhouse.

Devon County Council Highways have been consulted and refer the planning officer to Standing Advice.

There is adequate space for parking and turning areas, and the main access and highway safety has been assessed. Therefore, the proposed accords with policies DM04 (h), DM05, DM06 and DM27 (d) of the Local Plan.

4. Residential Amenity

Policy DM01 of the NDTLP seek to ensure the protection of the amenities of the neighbouring occupiers of the site, as well as future occupiers of the development. Policy DM04: 'Design principles' has a principle regarding amenity. Policy DM02 'Environmental Protection,' of the Local Plan, states that development will be supported where it does not result in unacceptable impacts to smell, fumes, noise etc.

Paragraph 185 of the NPPF states, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'*

There are livestock sheds to the northeast of the application building.

The Local Authority's Environmental Protection Team (EP) were consulted and objected to the application on the grounds of harm to amenity.

The matter was later discussed on the officer site visit, (21st September), with the agent, applicant, and relatives, and advised that a condition limiting the use for storage rather than for housing livestock could be applied to a planning permission, which may overcome EP's objections. However, the applicants later made it known that they did not wish to do this, but to use the shed on a temporary basis.

Details were requested and the applicant's agent submitted details of the uses of the buildings. Two plans have been submitted, one a Google image, 'labelled 'functions on farm,' and the other labelled 'uses on farm,' (drawing numbered 1191 05 B), (both received 13th October 2023).

EP were re-consulted on the email and the submitted plans, (received 13th October 2023), and made the following comment: -

'Further to the previous consultation response dated 9 August, the Environmental Protection Team has reviewed the additional information pertaining to the use of buildings on the wider farmstead. Having regard for the uses, which are considered to result in harm to residential amenity contrary to Policy DM01, the Environmental Protection Team reiterates its objection to the proposed development.'

The temporary use of livestock sheds would not be able to be enforced, and therefore would not meet one of the six tests in national policy.

It was also discussed that the applicant could apply for a rural worker dwelling or annexe, which would not raise the same concerns with amenity, (as it would be part of the agricultural unit), but the applicants explained this would not enable them to raise a 'self-build' mortgage. A letter has been submitted from a mortgage advisor, (received 20th November).

Applying for a 'Local Needs Dwelling,' would still raise the same concerns with amenity.

Policy DM02 of the Local Plan is also concerned with hazards, including contaminated land. However, the barn has been used for storage, and it is not felt necessary to add a condition requiring a report, prior to commencement, but if the application were approved, to add a condition requesting information if any contamination is found.

There is adequate private amenity space and parking spaces, although no details of the boundary treatment have been submitted. To ensure privacy for the occupants and neighbour/s, if the application were approved, a condition requesting details of landscaping and boundary treatments could be added.

The floorspace meets the minimum for a two storey 3 bed dwelling. There is adequate daylight.

It is concluded therefore, that in terms of the proposed development it will not significantly harm the amenities of any neighbouring occupiers. However, due to the proximity to livestock sheds, officers are of the view that the intended occupants of the proposed development would be harmed.

The proposal therefore does not comply with Policies DM01 (b) and DM02 (2) of the Local Plan.

5. Flooding and drainage

The site is not within an Environment Agency flood risk zone and/or Critical Drainage Area. The proposal would need to accord with Policy ST03: *'Adapting to Climate Change and Strengthening Resilience'* of the Local Plan, which requests that development be designed and constructed to take account of the impacts of climate change, by adopting effective water management including Sustainable Drainage Systems, (i.e., reducing rates of surface water run off). Policy DM02 *'Environmental Protection,'* of the Local Plan, states that development will be supported where it does not result in unacceptable impacts to pollution of surface water or ground water.

The proposed dwelling will be served by existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure there is adequate capacity. However, the applicant has confirmed that it has sufficient capacity for the main house and the converted barn.

The proposal accords with Polices DM02 and ST03 of the Local Plan.

6. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policy DM08 of the NDTLP. Policy ST14: 'Enhancing Environmental Assets' is also relevant.

The works trigger the need for a wildlife survey. The application is accompanied by a *'Bat & Nesting Bird Survey,'* (dated July 2023), by Penpont Ecology Services Ltd. The report states, *'It is identified that Natterer's bats may be using the barn as an occasional night-time feeding perch. This type of roost has a low conservation status, the loss of which can be tolerated,'* and in terms of birds *'Sparrow and Swallow are nesting in the barn.'* The report recommends precautionary measures and provision for nesting birds.

Policy DM08 of the NDTLP that aims to enhance biodiversity where possible. A planning condition could be applied, for example to install a bird or bat box.

The application therefore accords with Policies DM08 and ST14 of the Local Plan.

Conclusion

As set out above, it is evident that the principle of the conversion of the redundant rural building is acceptable. The proposed works are sympathetic to the character of the area and will improve the immediate setting. There is no detrimental impact on the landscape, on the safety of the highway, on historic aspects and/or ecology. However, in terms of residential amenity, the proximity of an open market dwelling to livestock sheds is an issue in terms of odour, noise and fly nuisance associated with

livestock, and is contrary to Policies DM01 (b) and DM02 (2) of the Local Plan. The recommendation is therefore for refusal.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reason: -

1 The proposed development is an open market dwelling, which is near to agricultural buildings which house livestock, and there is the potential for an adverse impact on residential amenity from the odour, noise and fly nuisance associated with livestock. The proposed development is therefore contrary to Policies DM01 (b) and DM02 (2) of the Local Plan and Paragraph 185 of the NPPF.

Plans Schedule

Reference	Received
1191 20	18.07.2023
1191 21	18.07.2023
1191 22	18.07.2023
1191 23	18.07.2023
1191 05	18.07.2023

Statement of Engagement

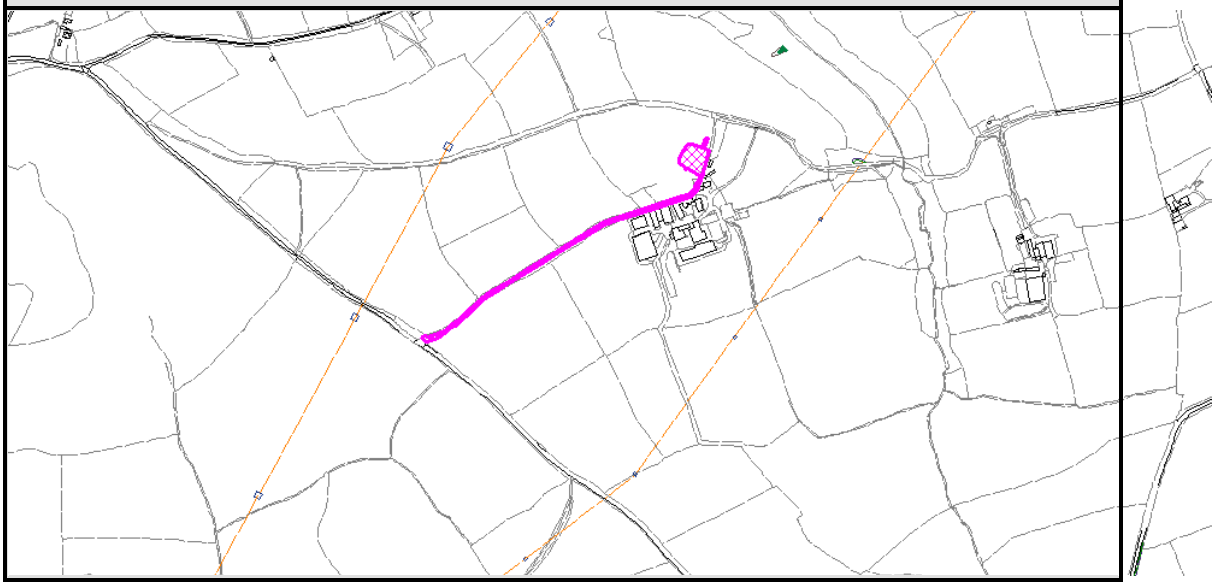
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

In this instance the applicant did not enter into pre-application discussions with the Council.

Discussions were necessary with the applicant during the processing of the application as there were concerns about proximity of an open market dwelling to livestock sheds. However, the concerns were not resolved, as the applicant did not wish to change the proposal to a rural worker dwelling or annexe or limit the sheds to storage rather than housing livestock.

Committee Report – 7th December 2023

Application Number:	1/0911/2023/FUL
Registration date:	21 September 2023
Expiry date:	16 November 2023
Applicant:	Mr Brown
Agent:	GW Architects Ltd
Case Officer:	Mr Peter Stapley
Site Address:	Land At Holwell, Buckland Brewer, Bideford, Devon, EX39 5NX,
Proposal:	Erection of 1no. agricultural worker managers dwelling
Recommendation:	Refuse



Reason for referral:

The application has been called-in to be heard at Plan Committee by Councillor Pennington for the following reasons:

- This dwelling is needed to allow a well-run agricultural business.

- The relevant policies. NDTLP Policy DM 28 Rural Workers Dwelling NPPF para 79 This well-run agricultural business needs to progress.

- There is policy justification for a business to have the dwelling.

Relevant History:

Application No.	Description	Status	Closed
1/0862/2003/FUL	Proposed agricultural building	PER	30.06.2003
1/0867/2003/FUL	Proposed agricultural infill building	PER	30.06.2003
1/0866/2007/FUL	Proposed livestock sheep & feed agricultural building	PER	19.10.2007
1/0707/2009/FUL	Proposed Covered Feed Area	PER	15.09.2009
1/0579/2021/AGR	Concrete yard renewal (Stewardship Scheme)	PER	11.06.2021

Site Description & Proposal

Site Description
The application site is located within the open countryside, approximately 1.07 km to the northeast of Stibb Cross, which is designated as a 'Village' within the adopted North Devon and Torridge Local Plan. The site does not fall within any other allocated land designation, however, is located approximately 675 metres to the east of Thorne Moor, which is a designated Special Area of Conservation [SAC] and Site of Special Scientific Interest [SSSI]. The closest protected heritage asset is located approximately 460 metres to the north of the site, within the neighbouring farmstead.

The application site measures approximately 0.26 hectares, within a wider 2.56 hectares of agricultural land. The applicants own a total of 121 hectares and rent a further 62 hectares, totalling 183 hectares. The farming enterprise consists, primarily, of a dairy farm with a current stock of 230 milking cows; 50 in-calf heifers; 120 youngstock; 80 calves; and 1 bull. Approximately 29 hectares is used for the production of maize and cereals.

The landscape character type for the application site is 'Upper Farmed & Wooded Valley Slopes' (3A) and the site falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is consider a low probability of flooding.

Proposed Development
The application seeks full planning permission for the erection of a rural workers dwelling with an attached garage, to be occupied by a partner of the farming enterprise. The proposed dwelling will measure approximately 24 metres in length by 16.9 metres in width, with a maximum eaves height of 2.9 metres and ridge height of 6.6 metres.

The proposed dwelling will accommodate four bedrooms (six-person); bathroom; open plan kitchen and living area; snug; office; boot and utility room; and a detached garage. The dwelling will have a

gross internal area of approximately 142 square metres and the garage will have a footprint of 16 square metres.

The dwelling will utilise the existing access from the highway to the east of the dwelling, connecting to the public highway approximately 550 metres to the west of the farmstead. The proposal includes the provision of five vehicle parking spaces to the north of the building. The main private amenity space is to the south of the dwelling.

The proposed development will be constructed from: a mix of stone, render and cladding; natural slate roof; and aluminium and timber windows and doors. The proposal includes the provision of 18 solar panels on the southwest roof elevation.

Consultee representations:

Buckland Brewer Parish Council:
Application supported by Buckland Brewer Parish Council

Devon County Council (Highways):
Standing Advice.

Environmental Protection Officer:
The following consultation response is provided by the Environmental Protection Team in relation to the above application.

Having regard for the application site, the proximity of the farmstead has the potential to adversely impact residential amenity. However, as the proposed development is ancillary to the farmstead, concerns in relation to the potential amenity impact are negated.

The proposed dwelling is to be served by a new package treatment plant discharging to a drainage field. The percolation test results provided indicate that the ground has suitable permeability and sufficient land is available to accommodate the proposed foul drainage scheme. The Environmental Protection Team is satisfied that the proposed development will be served by a suitable non-mains foul drainage scheme.

Representations:

Number of neighbours consulted:	2	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No public representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM28 (Rural Worker Accommodation).

Supplementary Planning Document:
Rural Workers Dwelling.

Government Guidance:
NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981).

Planning Considerations

The main considerations in the determination of this application are:

1. Principle of Development;
2. Impact on Character and appearance;
3. Impact on Amenity;
4. Access, Parking and Highways;
5. Environmental Protection and Drainage;
6. Impact on Wildlife and Ecology; and
7. Conclusion

1.0 Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).

1.2 In planning terms, the site is located within the countryside, therefore Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST07 (4) states that *"In the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location."*

1.3 Policy ST07 (4) aims to strictly control development in the countryside, however, does permit development which is justified and suitable for a rural location. One use which is considered to be acceptable is agricultural development, including the development of agricultural/rural workers dwellings where necessary.

1.4 Policy DM28 relates specifically to rural worker accommodation and notes that the provision of accommodation in the countryside for a rural worker will be supported in principle where a number of criteria can be met. These are set out below:

1. *Proposals for the provision of accommodation in the countryside for a rural worker will be supported where:*
    a. *It can be demonstrated that there is an essential operational need for a full-time worker to be resident at or near the place of work;*
    b. *The size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants;*
    c. *The accommodation needs cannot be met by any other means including:*
        i. *Accommodation in a nearby settlement; or*
        ii. *By an existing dwelling at or near the site; or*
        iii. *Through the conversion of a suitable redundant or disused building on the site; and*
    d. *appropriate highway access can be provided.*

2. *Where the enterprise is well established, of a sufficient size to support a full-time worker, economically viable and has clear prospects of remaining so, support will be given to the provision of a permanent new dwelling.*

3. *Where the enterprise does not meet the criterion set out to support the provision of a new permanent dwelling, the provision of temporary accommodation will be considered for an initial period of three years.*

4. *New accommodation provided for rural workers will be, and all existing dwellings at the rural business may be, subject to occupancy restrictions and, where it is felt appropriate by the Local Planning Authority may be subject to a legal agreement tying its use to the specific rural business.*

1.5 Policies ST07 and DM28 of the NDTLP are considered to be in harmony with more recent policy changes in the National Planning Policy Framework (NPPF) (in particular paragraph 80). Paragraph 80 of the NPPF provides that isolated homes in the countryside should be avoided unless there are special circumstances, which includes the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 80 of the NPPF does not offer guidance for establishing what constitutes 'essential need.'

1.6 In addition to the above, the Councils 'Rural Workers' Dwellings' Supplementary Planning Document states 'New permanent dwellings will be supported on well-established rural enterprises subject to the demonstration of the following:

I. there is a clearly established existing functional need (see below);
II. the need for a full-time worker throughout the year (an annual average of at least 37 hours per week) on the site of the enterprise, including a requirement for unsocial hours and being "on call" in case of emergencies;
III. the rural enterprise has been established for at least three years and has been profitable in at least one of those three years, is currently financially sound and has a clear prospect of remaining so (see paragraph 3.15 below);
IV. the functional need could not be fulfilled by another existing dwelling on the enterprise, or any other existing accommodation in the area which is suitable and available for the occupation of the worker(s) concerned; and
V. other planning requirements, e.g. in relation to access, impact on the countryside, are satisfied.

1.7 Paragraph 3.7 of the SPD, states to 'establish a functional need the following requirements must be satisfied:

I. a genuine need to live on the site and to be available at short notice at all times rather than living in a nearby centre or village;
II. it is not possible for the rural enterprise to run effectively without having the worker living on site;
III. no one undertaking the essential functional work already lives at the rural enterprise, or insufficient provision exists if there is a functional need for more than one worker;
IV. there is no dwelling available at the rural enterprise for occupation by the worker and there is no possibility of adapting a building at the rural enterprise; and
V. there is no suitable and available dwelling in a nearby village available for occupation by a worker who is required to provide the functionally essential service.

1.8 <u>Functional Need</u>

1.9 The current business employs four part-time employees, in addition to the three full-time business partners. The Agricultural Appraisal demonstrates there is a labour requirement of 7.9 full time workers in connection with the entire operations of the farming enterprise, of which the livestock requirement equates to 4.9 full time workers.

1.10 The rural worker dwelling is intended to be occupied by a business partner (the son), who currently resides within the main farmhouse with the remaining two business partners (the parents) and is proceeding to take majority control of the business. In addition to the main farmhouse, there appears to be an unauthorised dwelling (caravan) immediately to the southeast of the application site. It should be noted that this unauthorised use has not been included in any of the supporting documentation. Nonetheless, the applicant has confirmed on the amended location plan, that the caravan would be removed from the site.

1.11 The Appraisal also identifies the various agricultural buildings on the holding and provides details of the need for each building. Whilst it was noted during the site visit that there

appeared to be a redundant agricultural building adjacent to the caravan which could be capable of conversion, the agent has confirmed that this building has a transient use for calving and is still required to carry out the operations of the farming enterprise. The Council have no evidence to the contrary and therefore accepts it is still in operation use, albeit infrequently.

1.12 The diary farm has a sizeable stock of cattle (480 heads) and operates on a year-round calving system, with on average 23 calving's per month. It is generally considered that, for farm of this scale, nature and livestock holding, a member of staff should be available at all times, including unsociable hours, in order to monitor the welfare of the animals and to address any emergency care needs.

1.13 Given the lack of available housing within close proximity, the site is not easily accessible in the event of an emergency and given the enterprise is of a reasonable scale (183 hectares) with a sizeable stock (approximately, 230 dairy cows; 50 in-calf heifers; 120 youngstock; 80 calves; and a single bull) it is considered there is a functional need for a rural worker to be located on the application site.

1.14 Financial Test

1.15 If a functional need has been established for a permanent dwelling, then it will be necessary to confirm that the operation which has generated the need for a resident worker is economically viable and there is a realistic prospect of it remaining so.

1.16 Guidance contained within the Council's Rural Worker's Dwellings SPD notes that for a permanent dwelling a rural enterprise should have been established for at least three years and have been clearly profitable for at least one of them, is currently financially sound and has clear prospects of remaining so.

1.17 The financial accounts, which have been submitted with the application, are accepted. The accounts demonstrate that the farming enterprise has operated in a net profit for the last three years. The proposed development is therefore considered to meet the requirements of section (a) with an essential operational need for a full-time worker to be resident at or near the place of work. The existing enterprise is considered to be sufficient profitable and to be likely to remain so, sufficient to provide the new dwelling.

1.18 In relation to section (b), The proposal is for the erection of a four-bedroom, rural workers dwelling which includes an office, utility, boot room and detached garage. Guidance on the size of rural worker's dwellings is set out in the Council's Rural Workers' Dwellings SPD, which notes that a normal four-bedroom dwelling would extend to 124 square metres (gross internal area) however recognises that an uplift to this area is required for an agricultural worker to allow provision of a boot room, larger utility room etc. as well as office space for the principal dwelling on a holding. It is anticipated that the uplift could be accommodated within 15% of the overall gross internal area and therefore an area of 142.6 square metres is recommended for a four-bedroom dwelling.

1.19 The proposed plans illustrate that the four-bedroom dwelling will have a gross internal area of approximately 158 square metres (including the attached garage) and therefore is above the permitted 142 square metres, set out within the Councils Rural Workers Dwelling Supplementary Planning Document (SPD), by approximately 16 square metres. It is noted, the business uses [office, utility and wet room] of the proposed dwelling measures approximately 17.9 square metres and therefore would fall within the allocated 15% uplift. As such the proposed additional 16 square metres is considered to be for living accommodation and not required for business purposes.

1.20 Whilst the SPD is clear in that "*any uplift from the floorspace standards (102m^2 and 124m^2) would not be supported, if proposed simply to provide additional living accommodation."* It is noted that the additional floorspace relates solely to the provision of the attached garage and the gross internal floor area for the main living accommodation measures approximately 142

square metres and therefore is in accordance with the provisions set out within the Rural Workers Dwelling SPD. On this basis, the proposed scale of the building is acceptable, subject to the restriction of the dwellings permitted development rights preventing the conversion of the garage to further living accommodation.

1.21 Conclusion

The supporting documentation submitted alongside the application demonstrates that there are no, suitable and/or available residential dwellinghouses within close proximity to the application site and the existing agricultural building on site could not be converted as there still functioning requirements for each building.

1.22 On this basis, it is considered that the proposed rural workers dwelling meets the tests set out within policies ST07, DM28; the Rural Workers' Dwellings SPD; and the NPPF and is considered to be justified for its countryside location. The remaining planning considerations are considered within the report below.

2.0 Impact on Character and Appearance

2.1 The Local Plan policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.

2.2 Policy ST04 supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.

2.3 Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

2.4 Policy DM08A states development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets where possible.

2.5 Paragraph 3.25 of the Rural Workers Dwelling SPD relates to the siting of rural worker dwellings and states *"the location of a rural worker's dwelling required in respect of an agricultural holding, should be the most suitable to meet the identified functional need. The sitting of any new dwelling, whether temporary or permanent will be expected to be visually as well as functionally related to the main farmstead buildings. A location away from exiting farmstead buildings, accessed separately from those buildings, in an isolated location, remote from the activities it is designed to support or in a visually intrusive location is unlikely to be acceptable."*

2.6 Paragraph 3.33 of the Rural Workers Dwelling SPD relates to design and states *"the design of a new building will need to be appropriate to its location; it should be integrated with the landscape, take account of the characteristics of adjacent buildings."*

2.7 The NPPF also strongly emphasises the need for well-designed places, in which Part 12 of the Framework is solely dedicated to this aim. Paragraph 126 of the NPPF notes 'the creation of high-quality buildings and places is fundamental to what the planning and development proves should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities'. Part 12 of the framework lists 6 key design principles that are required to be met in order to demonstrate the design is of high quality.

2.8 The proposed, single storey, four-bed, six-person dwelling, measure approximately 24 metres in length by 16.9 metres in width, with a maximum eaves height of 3.85 metres and ridge height of 6.6 metres. The dwelling will have a gross internal area of approximately 142 square metres and the garage will have a footprint of 16 square metres.

2.9 The proposed development will be constructed from: a mix of stone, render and cladding; natural slate roof; and aluminium and timber windows and doors. The proposal includes the provision of 18 solar panels on the southwest roof elevation.

2.10 The landscape character type for the application site is 'Upper Farmed & Wooded Valley Slopes' (3A) and the immediate surrounding landscape is characterised as gentle rolling greenfield hills with tree lined boundaries. The application site measures approximately 0.25 hectares and is located on the hillside, some considerable elevation above that of the main built form of the existing farmstead.

2.11 Whilst the Local Planning Authority does not dispute that, given the close proximity, there is some degree of a functional link between the proposed dwelling and the wider farmstead. Nonetheless, the proposed dwelling would be highly visible, from distance views within the wider landscape, given its prominent hillside location and would break the linear built form of the existing farmstead. Consequently, the proposed development would result in the appearance of an isolated and exposed contemporary dwelling, visually divorced from the agricultural farmstead in which it relates and would appear as further encroachment of build form into the open countryside.

2.12 The Council raised their concerns with the agent, recommending an alternative sensitive location for the dwelling elsewhere within the farmstead. Alternatively, the applicant amended the scheme to lower the impact of the dwelling in the site by reducing the site level by approximately 4 metres and the provision of tree planting along the southeast boundary. The proposed groundworks would remove approximately 2,300 cubic metres of soil across the site.

2.13 Notwithstanding the above, there appears to be some ambiguity between the submitted plans, arising from the appropriate use of the correct drawing conventions. The topographical lines on the proposed site plan, appear to demonstrate that the proposed site slopes from north to south by approximately 2 metres. However, the site section, appears to demonstrate an earth bank boundary with a maximum height of 5 metres from the finished floor level.

2.14 It is considered that the proposed cutting of the land would result in a contrived form of development and would still appear as an alien feature in a landscape which consists of rolling greenfield hills. It is the Council's opinion that landscaping schemes should not seek to hide development rather aim to assimilate the development into the landscape and therefore the design response is not supported. Additionally, no detailed landscaping scheme has been provided for consideration at this time.

2.15 Taking account all of the above, it is the opinion of the Local Planning Authority that the proposed development conflicts with Policies ST04, DM04, and DM08A of the NDTLP and the Rural Workers Dwelling SPD and a residential dwelling in this sensitive location cannot be supported at this time.

3.0 Impact on Amenity

3.1 Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

(a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and

(b) The intended occupants of the proposed development would not be harmed as a result of the existing or allocated uses.

3.2 Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. In addition to this, one of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

3.3 The proposal by its very nature is in a rural and isolated location and therefore there are a limited number of residential properties within close proximity in which the proposal might cause amenity issues. The closest neighbouring residential property is located approximately 485 metres to the northwest of the site.

3.4 The Councils Environmental Protection Team were consulted on the proposed development and commented "*having regard for the application site, the proximity of the farmstead has the potential to adversely impact residential amenity. However, as the proposed development is ancillary to the farmstead, concerns in relation to the potential amenity impact are negated."*

3.5 Taking account the distance to the neighbour property the scale, design and location of the proposed development are such that there would be no significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, and loss of daylight or sunlight.

3.6 The impacts of the proposed development are not considered to be significantly detrimental to visual or residential amenity and would be suitably designed for the intended purposes. The minor scale of the development would not impact significantly on visual amenity or on the neighbouring amenities within the proximity of the site. As such the development, in line with the appropriate conditions, is in accordance with Policies DM01 and DM04 of the NDTLP.

4.0 Access, Parking and Highways

4.1 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; and give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

4.2 Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

4.3 Policy DM05 of the NDTLP relates to highways and states:

(1) All development must ensure the safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

(2) All development shall protect and enhance public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

4.4 In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:

(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:

(a) Accessibility and sustainability of the site;

(b) Availability of public transport;

(c) Provisions of safe walking and cycle routes; and

(d) Specific sale, type and mix of development.

(2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.

4.5 Policy DM28(1)(c) supports proposals for rural workers dwellings subject to the provision of suitable highway access.

4.6 Devon County Council Highways were consulted on the proposed development and had no objections subject to the Councils standing advice being met. The proposal will utilise the existing access, which currently serves the existing farm enterprise and residential dwellings on the site. Given the intended occupation of the proposed dwelling it is considered that the proposed development would not significantly increase the volume of traffic to the site.

4.7 The proposed dwelling will provide two vehicle parking spaces within the attached garage and suitable turning space to the north of the site.

4.8 Taking account the above, the proposed development would provide safe and suitable access and parking arrangements and would not result in an unacceptable impact on highways safety. On this basis, the proposal is in accordance with policies ST10, DM05 and DM06 of the NDTLP.

5.0 Environmental Protection and Drainage

5.1 Policy ST03(f) (Adapting to Climate Change and Strengthening Resilience) states that future development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land and property by adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and use of rainwater.

5.2 The supporting text of Policy ST03 states that 'all developments will seek to minimise flood risk through the use of Sustainable Drainage Systems and appropriate integration with green infrastructure. Controls to manage surface water runoff should be located as close as possible to where the rainwater drains, providing varying degrees of treatment for surface water through natural processes of sedimentation, filtration and biological degradation.

5.3 Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development.

5.4 The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The Planning Practice Guidance notes that new development should aim to discharge foul water into the public sewer; however, if this not possible then a package treatment plant may be used. However, if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.

5.5 The application site is located within Flood Zone 1 (low probability) and therefore is considered to having a less than 1 in 1,000 annual probability of river or sea flooding. The proposed development is to be served by a new package treatment plant, discharging to a drainage field. The Environmental Protection Team were consulted and commented *"the proposed dwelling is to be served by a new package treatment plant discharging to a drainage field. The percolation test results provided indicate that the ground has suitable permeability and sufficient land is available to accommodate the proposed foul drainage scheme. The Environmental Protection Team is satisfied that the proposed development will be served by a suitable non-mains foul drainage scheme."*

5.6 The proposed drainage scheme includes the provision of a surface water soakaway to the southeast of the site, measuring approximately 5 square metres. The foul drainage is to be dealt with via a package treatment plant, located along the eastern boundary discharging to a drainage trench to the north measuring approximately 6 metres in length by 2 metres in width (12 square metres).

6.0 Impact on Wildlife and Ecology

6.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within NDTLP through Policies DM08 and ST14 which state that all developments must ensure that the importance of habitats and designated sites are taken into account.

6.2 The local planning authority also has a duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity in exercising its functions. This duty includes the requirement to have regard to protected species.

6.3 Development proposals should avoid adverse impacts on existing features as a first principle and enable net gains by designing biodiversity features and enhancements and opportunities for geological conservation alongside new developments, however where adverse impacts are unavoidable they must be adequately and proportionately mitigated.

6.4 A wildlife trigger list was submitted with the planning application, which indicated that further Ecological Impact Assessment is required due to the application site being greater than 0.1 hectares. An Ecological Appraisal (reference: PES/1693) was carried out by Penpont Ecology Services Ltd, and submitted to the Council for consideration, received 21st September 2023.

6.5 The Report concluded that "*the site is evaluated as being of low ecological value, and no further survey work is required. The proposed development provides an opportunity for biodiversity net gain. This gain is calculated and demonstrated by use of the Defra Metric Tool. The delivery strategy is based on replacement of poor-quality grassland with vegetated gardens, native tree planting, the creation of new hedges and enhancement of the existing hedge."*

6.6 Taking account the above, the proposed development is considered to be in accordance with Policies ST14 and DM08 of the NDTLP and the statutory legalisation, as outlined above. In the event of an approval, a planning condition could be attached, requiring the ecological enhancements to be implemented prior to the first occupation to ensure compliance with the recommendations set out in the report.

7.0 Conclusion

7.1 For the avoidance of doubt, I can conclude that the principle of development is considered to be acceptable, given there is a clear and established need for an agricultural worker's dwelling, to be occupied by a business partner of the farming enterprise in which it is located.

7.2 Nonetheless, it is the opinion of the Local Planning Authority that, as a result of its location, setting and design, the proposed dwelling would appear as an isolated and exposed contemporary dwelling in the countryside.

7.3 Moreover, the mitigation proposed would result in a contrived form of development and has been considered to be an unsympathetic and inappropriate design response to concerns raised to the impact to the sensitive countryside setting.

7.4 Consequently, the proposed scheme would result in a visually intrusive and unsympathetic residential accommodation unit in the open countryside, conflicting with Policies ST04, DM04 and DM08A of the North Devon and Torridge Local Plan; the Rural Workers Dwelling Supplementary Planning Document; and Part 12 of the National Planning Policy Framework.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE, for the following reasons:

1 In the opinion of the Local Planning Authority, the proposed development is considered to not be appropriate or sympathetic in terms of siting, location, design, appearance and relationship to the existing buildings and wider landscape impact. The proposed development is therefore contrary to Policies ST04 (Improving the Quality of Development), DM04 (Design Principles), DM08A (Landscape and Seascape Character) of the North Devon and Torridge Local Plan, the Rural Workers Dwelling Supplementary Planning Document, and the National Planning Policy Framework.

Plans Schedule

Reference	Received
0571 - 02	21.09.2023
0571 - 04	21.09.2023
05571-03 A	08.11.2023
0319-01 B	08.11.2023

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

In this instance the applicant did not enter into pre-application discussions with the Council and whilst the Case Officers engaged early with the agent, acting on behalf of the applicant, in providing feedback on the proposed siting, design and location of the dwelling, it was considered that the amendments were not appropriate to override the concerns raised with respect to the impact on the open countryside. Additionally, further clarity was sought on a number of inconsistencies with the proposed plans, however these ambiguities were not amended or clarified.

APPEAL DECISIONS SUMMARY
Committee 23rd November 2023

Appeal decisions for the period 23.08.2023 – 21.09.2023

Application No.	Address/Proposal	Appeal Decision	Officer Recommendation	Committee/ Delegated	Costs
1/0266/2022/CPL	Barn at Boldford, St Giles on the Heath, Launceston, PL15 9SL Certificate of Proposed Lawful Use for Conversion to self-contained holiday unit	Dismissed	Refusal	Delegated	No
1/0955/2022/OUTM	Land at grid reference 243189 129178 Golf Links Road Westward Ho! Devon, EX39 1GW Outline application with some matters reserved (landscaping and layout) for the erection of hotel apartments and ground floor restaurant.	Dismissed	Refusal	Delegated	Costs Refused
1/0514/2022/OUTM	Land at grid reference 243189 129178 Golf Links Road Westward Ho! EX39 1GW Outline application (including scale, appearance and access) for 9 residential units and ground floor commercial unit.	Dismissed	Refusal	Delegated	Costs Refused
1/1039/2022/AGMB	Barn at Grid Reference 235538 93892, Luffincott Farm, Tetcott, Devon EX22 6RF	Allowed	Refusal	Delegated	No

	Prior notification for the change of use of agricultural building to 3 no. dwellinghouse and associated building operations under Class Q				

Appeal Decision

Site visit made on 17 October 2023

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/W1145/X/22/3312845
Barn at Boldford, St Giles on the Heath, Launceston, PL15 9SL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs Higgin against the decision of Torridge District Council.
- The application ref 1/0266/2022/CPL, dated 10 March 2022, was refused by notice dated 1 June 2022.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The proposed development for which a certificate of lawful use or development is sought is conversion to self-contained holiday unit.

Decision

1. The appeal is dismissed.

Background

2. On 6 July 2016, the Council granted planning permission ("the 2016 Permission")[1] for the conversion of the barn to a holiday let. This grant was subject to a number of conditions, none of which required any action to be taken prior to commencement of development. The first specified that the development must be begun within three years of the date of the permission, and the second that it be carried out in accordance with the approved plans.

3. The Appellants purchased the property in September 2021, believing the 2016 Permission to have been implemented. In February 2022 Storm Eunice caused a great deal of damage to the fabric of the barn, including the loss of the roof: I understand that other parts were removed to prevent them from causing a safety hazard.

Analysis

4. S.56(2) of the 1990 Act states that "development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out." The relevant subsection of s.56(4) defines "material operation" as "the laying of any underground main or pipe to the foundations, or part of the foundations, of a building…"

5. The Council's Building Control Surveyor has confirmed that radon sumps were installed by the previous owner on 21 June 2019: that is, within three years of the date of the permission. The Appellants contend that this was a material operation, such that development began within the specified time limit. The Council disagrees, on the basis that the works were not genuinely undertaken

[1] Ref 1/0473/2016/FUL dated 6 July 2016

to carry out the development, rather than simply to preserve the permission; that they did not relate to the Planning Permission as they were not shown on the approved plans; and that the works were in any event de minimis.

6. The Council's concern that the works were not genuinely undertaken to carry out the development stems, I suspect, from the courts previously having insisted that works must not be carried out simply to keep a permission alive.[2] However, more recent caselaw[3] has established that the appropriate test under s.56 is objective, rather than subjective, and that the intention of the person carrying out the operations is irrelevant. The *East Dunbartonshire* judgment confirms that the objective test would be satisfied by firstly considering whether the work had been done in accordance with the relevant planning permission, and secondly whether it was more than de minimis.

7. The approved plans do not show any radon sumps. However, a survey of the general structural condition of the barn, and its suitability for conversion to residential accommodation, was (as required by the Council) submitted with the application. This notes that the property is situated in an area where the National Radiological Protection Board recommends remedial action against radon gas. Section 4 of the Condition Survey states "It would… be advisable to incorporate some remedial measures against Radon gas entry into the building, by means of a radon sump beneath the floor slab."

8. As the Appellant's agent rightly points out, it is not unusual for details of matters such as pipework, trenches and cabling to be omitted from the drawings submitted with a planning application, being matters normally addressed under Building Regulations. The Council's Building Control Surveyor has confirmed that radon sumps were installed "in accordance with the approved Building Regulation plans". His advice to the Appellants was that "Radon sumps are always required as a matter of course in your area when carrying out a conversion due to the high radon potential."

9. In the light of this evidence that installation of the radon sumps was necessary to make what had formerly been an agricultural building suitable for human habitation, I am satisfied that the works formed part of the residential conversion permitted by the 2016 Permission. Put another way, they were not just *some* development, but part and parcel of *the* development for which permission had been granted. In my judgment the installation of the radon sumps and ventilation pipes was, as a matter of fact and degree, a material operation (in the sense of being more than "de minimis", or a "mere token") within the meaning of s.56 of the 1990 Act.

10. I therefore conclude that development was begun on 21 June 2019, within the specified time limit. However, the LDC applied for here is not to certify that the development was lawfully begun, but that the proposed "conversion to self-contained holiday unit" would be lawful, as at the date of the LDC application.[4] It is therefore necessary to assess whether the permitted conversion could have been carried out at that date.

11. The development permitted by the 2016 Permission was not simply the creation of a holiday unit, but the "*Conversion* [my emphasis] of barn to

[2] *Malvern Hills DC v SSE* [1982] JPL 439*; Thayer v SSE* [1992] JPL 264
[3] *East Dunbartonshire Council v SSS & Mactaggart Mickel Ltd* [1999] 1 PLR 53, followed in *Riordan Communications Ltd v South Bucks DC* [2000] JPL 594
[4] S.192(2) of the 1990 Act.

holiday let". The wording is important, because it presupposes the existence of a barn in a fit state to be converted to – rather than rebuilt as – holiday accommodation. The Development Plan contains policies permissive of the conversion of traditional buildings, provided that they are structurally sound.

12. The Condition Survey submitted for the 2016 Permission provided assurance that at that time, such was the case here. It concluded that "The barn is in essence considered to [be] demonstrably sound and capable of conversion into residential accommodation, albeit careful and sympathetic repair of the main walls together with new floors, roof structures and coverings will be necessary." It also noted that "The proposal seeks to retain … as much of the existing structure as possible. Areas of concrete block walling will require some remedial measures to strengthen their form and adequately tie into sections of traditional stone and cob walling to provide a homogenous unit… Some sections of cob walling require specific attention, and whilst not extensive, I would advise for such works to be carried out under the guidance of a structural engineer using traditional methods of repair…". A copy of the plan provided at Appendix B of the Condition Survey, albeit without the handwritten annotations showing where "stitch repairs" to the cob and block walls would be needed, is included in the Schedule of Plans approved by the 2016 Permission.

13. The situation by the date of the LDC application was very different. All that remained of the original barn was the lean-to section on the side adjoining the road, and part of the cob and blockwork wall which formed the eastern end elevation. The unsuitability of these minimal remains for "conversion" is reflected in the Council's decision on an application made in June 2022 [5]. The proposal - which included the same plans and reports as had been submitted for the 2016 Permission – was considered by the Council to amount to a re-build rather than a conversion, and I share that view. The works needed to create the holiday unit depicted in the approved plans would require the complete reconstruction of three of the barn's external walls, and substantial repairs to the fourth. This is a markedly different proposition to strengthening and repairing existing walls while retaining their traditional material, and goes far beyond what might reasonably be considered a "conversion".

14. In summary, I find that the proposed development cannot now be lawfully carried out – despite having been lawfully begun – because there is simply not enough left of the original building for the conversion permitted by the 2016 Permission to take place. Constructing the proposed self-contained holiday unit would involve substantively re-building the former barn, and so would be development falling outside the terms of the 2016 Permission.

Conclusion

15. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed conversion to a self-contained holiday unit was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Jessica Graham

INSPECTOR

[5] Ref. 1/0671/2022/FUL

The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Appeal Ref: APP/W1145/W/23/3323417
Land at grid reference 243189 129178, Golf Links Road, Westward Ho!, Devon EX39 1GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Smith against the decision of Torridge District Council.
- The application Ref 1/0955/2022/OUTM, dated 27th October 2022, was refused by notice dated 10th February 2023.
- The development proposed outline application (including scale appearance and access) for hotel apartments and ground floor restaurant.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr A Smith against Torridge District Council. This application is the subject of a separate decision.

Preliminary Matters and Background

3. I note that the appeal is made in outline with approval sought for access, appearance and scale, with landscaping and layout reserved for later consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.

4. I have also dealt with another appeal Ref: APP/W1145/W/23/3322238 at this site for a mixed use development. That appeal is the subject of a separate decision.

5. There is dispute between the main parties over the lawfulness of a previous planning permission[1] (PP1) for a 15 bedroom hotel, with 5th floor restaurant and a commercial ground floor, which was of the same scale, mass and design as this appeal proposal. The appellant submits that the previous permission that is less than a decade in age, is extant and has provided supporting evidence including but not limited to photographs and a building control certificate for a 3m trench. Furthermore, they state that wall demolition and ground levelling excavation works were carried out.

6. The Council's Officer advised the appellant that if there were satisfactory foundations in the correct place, commencement could be assumed, though they noted that only a certificate of lawfulness would give absolute clarity on this. Furthermore, it is asserted that a more recently implemented planning

[1] Planning permission ref: 1/1036/2019/FULM

permission[2] (PP2) for outdoor structures, including covered outdoor seating, service counters and the use of land for the playing of live music represents a new chapter in the planning history; and consequently, the Council state that the previous hotel permission is lost.

7. Whilst I have paid regard to all the evidence in respect of the planning history, in these circumstances it is not appropriate for me to determine whether a use or operation is or would be lawful. This can only be formally determined by a lawful certificate application under s191 or s192 of the Town & Country Planning Act. Even if a material start had been made on PP1, I cannot be certain of its lawful status given the evidence in respect of PP2. Consequently, I am therefore not in a position to give it any weight as a potential fallback in assessing the merits of this appeal.

Main Issues

8. The main issues are:

• the effect of the proposed development on the character and appearance of the area; and

• community facilities.

Reasons

Character and appearance

9. The appeal site comprises an open space that lies adjacent to a busy main road and in an area characterised by its attractive public village green. This is reflected in the area's designation in the LP as a Core Tourist Area (CTA) and Tourism and Recreation Site. The area surrounding the appeal site includes mixed use buildings of varying design, scale and age. Smaller buildings are concentrated around Golf Links Road to the south and east of the appeal site. These buildings and the appeal site provide a low key and inviting introduction to the adjacent village green, before larger and more modern buildings start to define the space around it. The open and low key features add to the overall attractiveness of the resort.

10. There is no dispute between the main parties over proposed access or parking arrangements. In respect of the relationship between the proposal and existing public toilets, I am mindful that a scheme could be progressed as part of any potential reserved matters application with an alternative layout. Therefore, it is conceivable that such a scheme could avoid any unacceptable harmful effects on a perceived fear of crime.

11. Although PP1 was assessed against a superseded policy reflective of Policy NOR5, the current LP also contains policies DM04 and ST04, which, amongst other things, seek to deliver high quality design with particular focus on scale, height, fenestration, local distinctiveness and relationships to buildings and landscape features. In that context, the proposal would be notably taller than the adjacent Latitude 51 development and the buildings behind and would include large, overhanging massing above the ground floor level.

12. As such, despite the proposal having the potential to provide safe public and private spaces, it would nevertheless have a dominating and overbearing effect

[2] Planning permission ref:1/1266/2021/FUL

on its immediate surrounding setting and would consequently appear out of place. Additionally, although the scheme would provide a tourist facility in a suitable location, the proposed balconies would be comparatively large and these features, together with the wrapping fenestration of varied and competing designs would result in a disproportionate and incongruous design that would not enhance the surrounding local built and landscape setting.

13. Furthermore, the current indicative layout shows a less active frontage with Golf Links Road, which would not be inviting for tourists or residents. Even if the orientation were to be amended as part of any reserved matters application, this would reduce an active frontage towards the village green. It would also be unlikely, given the parking requirements and that more expansive sea views would be gained from proposed balconies from their indicative layout.

14. Therefore, I conclude on this main issue that the proposal would cause harm to the character and appearance of the area. As such, it would be in conflict with policies ST04, DM04, NOR5 and NOR6 of the LP, which collectively in this respect seek to improve the attractiveness of the CTA. There would also be conflict with paragraphs 130 and 134 of the Framework which, amongst other things say that decisions should ensure that developments will function well and add to the overall quality of the area and that development that is not well designed should be refused, especially where it fails to reflect local design policies.

Community facilities

15. There is a temporary planning permission[3] for the use of part of the appeal site for a drinking, food and entertainment establishment. PP2 permits the use of the appeal site for the playing of live music. At my visit, I saw that the appeal site was being used as an outdoor seating area. Even if the site could continue to be used as an independently operated bar/drinking establishment, the proposed scheme would include an enclosed, year round ground floor commercial use adjacent to a large public village green.

16. Although the Council is concerned that the proposed use is not clear, the appellant states that the new development would include a similar indoor pub/food facility, which would be a local service as defined in the LP. Furthermore, the application form states that a restaurant is proposed and although indicative, the ground floor layout would include a large bar, lounge and restaurant. Had I been minded to allow the appeal, the ground floor unit could be controlled via the use of an appropriately worded condition. Consequently, whilst the proposal would not provide outdoor entertainment space, it would nevertheless provide an alternative service that would maintain the economic wellbeing of the local community.

17. I therefore conclude on this main issue that the proposal would not harmfully affect community facilities. As such, there would be no conflict with policies ST22 or NOR5 of the LP which, together in this respect, support proposals that would maintain the tourist character of the resort without the loss of community services and facilities.

[3] Planning permission ref: 1/0024/2020/FUL

Other Matters

18. I note the appellant's comments in relation to the processing of the planning application, however these do not have any bearing on my decision which is based on the planning merits of the development.

19. Additionally, the Council's Officer report and appeal statement identify a need for s106 financial contributions for off-site biodiversity net gain mitigation and local infrastructure. The appellant states that they are willing to enter into any reasonable s106 agreement, however no completed agreement is before me. As such, had I been minded to allow the appeal, it would have been necessary for me to reach a finding on this matter.

Conclusion

20. Bringing together my conclusions on the main issues, I have found that the proposal would not harmfully affect community facilities and that a scheme could be progressed at the reserved matters to provide safe public and private spaces. However, this does not outweigh the harm I have found to the effect of the development on the character and appearance of the area.

21. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Appeal Ref: APP/W1145/W/23/3322238
Land at grid reference 243189 129178 Golf Links Road Westward Ho! EX39 1GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Smith against the decision of Torridge District Council.
- The application Ref 1/0514/2022/OUTM, dated 13 May 2022, was refused by notice dated 17 November 2022.
- The development proposed is outline application (including scale, appearance and access) for 9 residential units and ground floor commercial unit (amended description).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr A Smith against Torridge District Council. This application is the subject of a separate decision.

Preliminary Matters

3. It has been confirmed that the appeal is made in outline with approval sought for access, appearance and scale, with landscaping and layout reserved for later consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.

4. The Council has advised that since it made its decision, there is now a 5 year housing land supply. This is not contested and I have dealt with the appeal on that basis.

5. I have also dealt with another appeal Ref: APP/W1145/W/23/3323417 at this site for a mixed use development. That appeal is the subject of a separate decision.

Background and Main Issues

6. There is dispute between the main parties over the lawfulness of a previous planning permission[1] (PP1) for a 15 bedroom hotel, with 5th floor restaurant and a commercial ground floor. The appellant submits that the previous permission is extant and has provided supporting evidence including but not limited to photographs and a building control certificate for a 3m trench. Furthermore, they state that wall demolition and ground levelling excavation works were carried out.

[1] Planning permission ref: 1/1036/2019/FULM

7. The Council's Officer advised the appellant that if there were satisfactory foundations in the correct place, commencement could be assumed, though they noted that only a certificate of lawfulness would give absolute clarity on this. Furthermore, it is asserted that a more recently implemented planning permission[2] (PP2) for outdoor structures, including covered outdoor seating, service counters and the use of land for the playing of live music represents a new chapter in the planning history; and consequently, the Council state that the previous hotel permission is lost.

8. Whilst I have paid regard to all the evidence in respect of the planning history, in these circumstances it is not appropriate for me to determine whether a use or operation is or would be lawful. This can only be formally determined by a lawful certificate application under s191 or s192 of the Town & Country Planning Act. Even if a material start had been made on PP1, I cannot be certain of its lawful status given the evidence in respect of PP2. Consequently, I am therefore not in a position to give it any weight as a potential fallback in assessing the merits of this appeal.

9. The Council's Officer report and appeal statement identify a need for s106 financial contributions for local infrastructure. The appellant has commented on this and would consequently not be prejudiced by its inclusion within the main issues.

10. As such, the main issues are:

- the effect of the proposed development on the character and appearance of the area;
- whether suitable mitigation is in place in respect of biodiversity enhancements and local infrastructure provision;
- the effect of the proposed development on community facilities; and
- surface water

Reasons

Character and appearance

11. The appeal site comprises an open space that lies adjacent to a busy main road and in an area characterised by its attractive public village green. This is reflected in the area's designation in the LP as a Core Tourist Area (CTA) and Tourism and Recreation Site. The area surrounding the appeal site includes mixed use buildings of varying design, scale and age. Smaller buildings are concentrated around Golf Links Road to the south and east of the appeal site. These buildings and the appeal site provide a low key and inviting introduction to the adjacent village green, before larger and more modern buildings start to define the space around it. The open and low key features add to the overall attractiveness of the resort.

12. The current indicative layout shows a less active frontage with Golf Links Road, which would not follow the grain of the surrounding development and would consequently not be inviting for tourists or residents. Even if the orientation were to be amended as part of any reserved matters application, this would reduce an active frontage towards the village green. Moreover, it would be

[2] Planning permission ref:1/1266/2021/FUL

unlikely given the parking requirements and that sea views would be gained from the proposed balconies. Additionally, alterations to the proposed appearance and scale would not be possible as part of any reserved matters application. As such, the proposal would not be designed to respond sympathetically to buildings and landscape features in the local neighbourhood as required by policies ST04 and DM04 of the LP.

13. The proposed residential units of accommodation with ground floor commercial use would be of a similar height to the adjoining Latitude 51 development and could avoid harmful window to window relationships. Additionally, had I been minded to allow the appeal, the choice of external materials could have been controlled through an appropriately worded condition. However, despite any such benefits, the proposed bulk and massing of the building with its overhanging and multifarious design features would introduce both stark and unduly complicated elevational arrangements and an imposing prominence at the entrance to the adjacent village green. In addition, the scheme would dominate the surrounding setting of small buildings along Golf Links Road and would result in an incongruous building that would not improve the attractiveness of the CTA or enhance the area's tourism role as required by policies NOR5 and NOR6 of the LP.

14. Therefore, I conclude on this main issue that the proposal would cause harm to the character and appearance of the area. As such, it would be in conflict with policies ST04, DM04, NOR5 and NOR6 of the LP, which collectively in this respect seek to improve the attractiveness of the CTA. There would also be conflict with paragraphs 130 and 134 of the Framework which, amongst other things say that decisions should ensure that developments will function well and add to the overall quality of the area and that development that is not well designed should be refused, especially where it fails to reflect local design policies.

Suitable mitigation

15. The appellant's submitted ecology report concludes that there are no realistic opportunities for mitigating the loss of grassland habitat units on site and compensation should be sought via a contribution towards an appropriate conservation project. Although the Council has suggested a condition in respect of biodiversity mitigation, it is not demonstrably precise or enforceable. Therefore, in the absence of any mechanism to secure off-site compensation, it has not been demonstrated that the proposal would conserve or enhance biodiversity as required by policies DM08 and ST14 of the LP.

16. In respect of local infrastructure, the Council has identified a need for a contribution to meet the needs generated from the proposed development. Moreover, the provision of a contribution towards supporting green infrastructure and education is reasonably related in scale and kind to the needs generated by the proposed development and is consistent with the requirements of Policy ST23 of the LP. Therefore, in the absence of any mechanism to secure such contributions, it has not been demonstrated that the proposed development would mitigate against the harm caused to local infrastructure.

17. I therefore conclude on this main issue that the proposal would not secure suitable mitigation in respect of biodiversity enhancements and local infrastructure contributions. As such, it would be in conflict with policies DM08,

ST14 and ST23 of the LP. It would also fail to accord with paragraph 180 of the Framework where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

Community facilities

18. There is a temporary planning permission[3] for the use of part of the appeal site for a drinking, food and entertainment establishment. PP2 permits the use of the appeal site for the playing of live music. At my visit, I saw that the appeal site was being used as an outdoor seating area. Even if the site could continue to be used as an independently operated bar/drinking establishment, the proposed scheme would include an enclosed, year round ground floor commercial use adjacent to a large public village green.

19. The appellant states that the new development would include a similar indoor pub/food facility, which would be a local service as defined in the LP. Furthermore, the application form states that a ground floor commercial unit is proposed and although indicative, the layout includes a large open area that could be suitable for a range of uses of benefit to the local community. Had I been minded to allow the appeal, the ground floor unit could be controlled via the use of an appropriately worded condition. Consequently, whilst the proposal would not provide outdoor entertainment space, it would nevertheless provide an alternative service that would maintain the economic wellbeing of the local community.

20. I therefore conclude on this main issue that the proposal would not harmfully affect community facilities. As such, there would be no conflict with policies ST22 or NOR5 of the LP which, together in this respect, support proposals that would maintain the tourist character of the resort without the loss of community services and facilities.

Drainage

21. The Council's flood risk management officer is concerned that there is a lack of information in respect of a betterment to surface water run-off generated by the proposed development. Whilst certain information is lacking, the proposal would make use of a green roof and the local water authority says that surface water can be effectively managed in accordance with the submitted drainage strategy. Furthermore, there is no firm evidence that it would not be feasible to adequately drain surface water or provide betterment from the proposed development.

22. For these reasons, I conclude on this main issue that the proposed development would be unlikely to cause unacceptable harm in respect of surface water. As such, there would be no conflict with Policy ST03 of the LP which says, amongst other things that development should adopt effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater.

[3] Planning permission ref: 1/0024/2020/FUL

Other Matters

23. I note the appellant's comments in relation to the processing of the planning application, however these do not have any bearing on my decision which is based on the planning merits of the development.

Conclusion

24. Bringing together my conclusions on the main issues, I have found that the proposal would not harmfully affect community facilities or surface water drainage. However, this does not outweigh the harm I have found to the character and appearance of the area and the lack of suitable mitigation for biodiversity and local infrastructure.

25. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/W1145/W/23/3321675
Barn at Grid Reference 235538 93892, Luffincott Farm, Tetcott, Devon EX22 6RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr John Britton against the decision of Torridge District Council.
- The application Ref 1/1039/2022/AGMB, dated 6 October 2022, was refused by notice dated 9 December 2022.
- The development proposed is change of use and conversion of agricultural building to 3no. dwellings and associated building operations.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use and conversion of agricultural building to 3no. dwellings and associated building operations at Barn at Grid Reference 235538 93892, Luffincott Farm, Tetcott, Devon EX22 6RF in accordance with the terms of the application, Ref 1/1039/2022/AGMB, dated 6 October 2022, and the details submitted with it, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: site and location plans No 200_01A, proposed floor plans No 200_03A, proposed elevations No 200_04B and proposed elevations No 200_05B.

    2) Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that phase or sub-phase or part thereof, shall be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed with in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed details.

Preliminary Matters

2. I have used the address from the appeal form, which is consistent with the Council's decision notice, as this more accurately reflects the location of the appeal site.

3. The description of development set out above has been taken from the appeal form, which is consistent with the Council's decision notice. The Council determined the proposal on the basis of the description in the appeal form and

I will do the same, save for omitting the words 'prior approval of the proposed' and '(Class Q under the GPDO)' in the banner heading and decision above, as these do not refer to an act of development.

Background and Main Issue

4. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended) (GPDO) sets out that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.

5. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and, subject to compliance with conditions, as set out under paragraph Q.2. The Council has not raised any issues in respect of paragraph Q.1 and I have no reasons to disagree.

6. In this case, the application was refused on the basis that the proposal would not be permitted development, as it fails to meet the provisions of Paragraph Q.2(1) (b) and (e). These provide that development is permitted subject to the condition that before beginning the development, the developer apply to the local planning authority for a determination as to whether the prior approval will be required as to noise impacts from the development, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order. The Council has raised concern that the proposal would likely result in an adverse impact on the living conditions of future occupiers by reason of noise, odour and flies with particular regard to the location of an existing agricultural building to the south.

7. Against that background, the main issue is whether the location or siting of the building would make it impractical or undesirable for the building to change to dwellinghouses having regard to living conditions for future occupiers with particular regard to noise, odour and flies.

Reasons

8. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application. Paragraph 130 of the Framework, amongst other things, states that decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.

9. There is no specific guidance on what constitutes 'impractical or undesirable' for the purposes of criterion (e) of Q.2(1) of the GPDO, but the Planning Practice Guidance (PPG) provides some further information about considerations which might be relevant.

10. The PPG sets out that 'impractical' reflects that the location and siting would 'not be sensible or realistic', and 'undesirable' reflects that it would be 'harmful or objectionable'. The example of a building on top of a hill with no road access, power source or other services is given as an instance where

conversion may be considered impractical and the example of the location of a building adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals is given as an example of a case where conversion may be undesirable. Determining whether a location is undesirable calls for an exercise of planning judgement.

11. The appeal property is a large agricultural building clad with box profile metal sheets, timber and concrete walls. The site is set within an open countryside location and is of a rural character and appearance, within a context of agricultural fields alongside a minor public road.

12. There are residential dwellings alongside the road, including to the northern side of the site which is subject of an agricultural occupancy condition. An agricultural barn lies to the southern side and there is residential development along the road beyond that. There are buildings and a yard on the opposite side of the road, which relate to an agricultural fencing business.

13. At the time of my site visit, there was no clear signs of agricultural uses or activities within the neighbouring agricultural barn to the south. Moreover, the elevation of the barn facing the appeal site was fully enclosed with metal sheeting above a concrete block wall. I observed a sliding door providing access to the building on its end gable facing the road. The building appeared to be otherwise largely enclosed.

14. Based on my observations on site and the evidence provided with the appeal submission, I am of the view that the activities associated with the existing adjacent barn would not constitute intensive farming. The barn has a separate road access to the appeal site and lacks ventilation, which indicates it would be unlikely to accommodate intensive numbers of animals. Furthermore, I have no evidence to suggest that the barn would be used for silage storage or to store dangerous machines or chemicals.

15. I recognise that there is no restriction on the agricultural use of the adjacent barn and that it could be brought into a more active agricultural use in future. However, this is a single barn close to an existing dwelling. I am satisfied that any future use is highly unlikely to become so intensive so as to cause unacceptable harm to the living conditions of future residents and render the location of the appeal building undesirable.

16. The appeal site is set away from those buildings on the opposite side of the road. There is a context of existing residential development and an intervening hedgerow alongside the road. Given the separation, I am satisfied that there would be no unacceptable harm to the living conditions of future residents so as to render the location of the appeal building undesirable in respect of those buildings and activity.

17. For the reasons given above, I conclude the location and siting would not make it impractical or undesirable for the building to change to three dwellinghouses having regard to living conditions for future occupiers with particular regard to noise, odour and flies. The requirements of paragraph 187 of the Framework would be met, by the operation of businesses unlikely to have a significant adverse effect on the housing proposed.

18. The Council has also referred to part (b) of paragraph Q.2(1) in its reason for refusal. However, this relates to the noise impacts of the development itself. In

light of the residential nature of the proposal and having regard to its location, the proposal would not in itself result in any harmful noise impacts. I do not therefore consider part (b) to be determinative in this instance.

Other Matters

19. Reference has been made by the appellant to a number of appeal decisions. I am however required to assess the proposal on its own merits having regard to its location and siting. Having done so in this case, I have found the proposal to be acceptable for the reasons set out.

20. The purpose of Class Q of the GPDO is to increase the supply of housing through the conversion of agricultural buildings, which by definition will very frequently be in the open countryside. The sustainability of the proposal, greater need for affordable housing and its effect on local infrastructure or services are not grounds in this instance to dismiss the appeal.

Conditions

21. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have considered the conditions suggested by the Council in light of the Framework and the PPG. I have accordingly amended the wording of conditions proposed by the Council without altering their aims.

22. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary or reasonable to impose a separate time limit condition.

23. I have imposed a condition specifying the relevant plans as this provides certainty. Additionally, the Environmental Protection Team has identified that there is potential for ground contamination resulting from the agricultural use of the site, a condition is therefore necessary and reasonable in the interests of human health. Given my findings above, a condition requiring the submission of a scheme of acoustic screening and soft landscaping would not be necessary.

Conclusion

24. For the above reasons, I find no grounds to refuse prior approval. Therefore, I conclude the appeal should be allowed.

J White

INSPECTOR

The Planning Inspectorate

Costs Decision

Site visit made on 24 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Costs application in relation to Appeal Refs: APP/W1145/W/23/3322238 and APP/W1145/W/23/3323417
Land at grid reference 243189 129178, Golf Links Road Westward Ho! Devon, Westward Ho!, Devon, EX39 1GW

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The PPG says that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. It adds that costs that are unrelated to the appeal or other proceeding are ineligible. Awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.

4. The applicant claims that the Council did not properly consider or discuss evidence relating to whether a previous planning permission for a hotel was extant, or that there was no material change in policy since its approval. However, within the Officer reports and statements for both appeals, the Council clearly set out a proportionally detailed and objective analysis as to why they considered commencement should be considered via a certificate of lawfulness. Furthermore, although an historic policy contained the same wording as a new policy, the Council acted in a reasonable manner by identifying and explaining the conflict they found with all policies of relevance to these schemes.

5. I note the applicant's comments in respect of financial costs incurred in respect of a delayed joint venture, the costs of a lawful certificate application, design review panel and other professional fees. However, as set out above, these are not directly related to these appeals and additionally, compensation cannot be applied from any delay in obtaining planning permission.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hills
INSPECTOR

Torridge District Council

Planning Decisions

Between 20/10/2023 and 23/11/2023

List of Applications

Application No:	Officer	Proposal and Address	Applicant	Decision/Date
		Permitted		
1/0924/2021/FUL	Angelo Massos	Retrospective application for lorry waiting area - Land At Grid Reference 261575 109264, Winkleigh, Devon.	Mr J Tolley	**PER** 13.11.2023
1/0274/2022/FULM	Laura Davies	Residential development for 12 dwellings and associated works (Amended Plans) - Land Adjacent Sutcombe Memorial Hall, Sutcombe, Devon.	Glovers Wood Developments Ltd	**PER** 13.11.2023
1/1158/2022/FUL	Ryan Steppel	Erection of 4no. holiday lodges (additional drainage and amended red edge) - Land At Merry Harriers, Woolsery, Bideford.	C and E Serna	**PER** 15.11.2023
1/1294/2022/FUL	Debbie Fuller	Change of use of units from use class E and B8 to use class E, B2 and B8 - Land At Grid Reference 261355 109155, Winkleigh, Devon.	Mr John Carter	**PER** 26.10.2023
1/0236/2023/LBC	Sarah Chappell	Change of use of bank to residential to create 3no. apartments - Halifax, 71A High Street, Bideford.	Bideford Apartments Ltd	**PER** 31.10.2023
1/0450/2023/FUL	Mrs Nicola McGill	Erection of agricultural storage shed - Land At Grid Reference 233928 121156, Woolsery, Devon.	Mr & Mrs A Cloke	**PER** 31.10.2023
1/0462/2023/FUL	Angelo Massos	Conversion of barn to 1no. dwelling, change of use of land to domestic garden and installation of solar panel array and sewage treatment plant in lieu of Class Q approval 1/0738/2022/AGMB - Agricultural Building At Grid Reference 239411 119802, Buckland Brewer, Devon.	Mr & Mrs Schofield	**PER** 16.11.2023

1/0499/2023/FUL	Mrs Nicola McGill	Replacement two storey dwelling in place of static caravan in relation to 1/0476/2022/CPE - Land At Maldrea Cottage, Pancrasweek, Holsworthy.	Mr & Mrs J Gardiner	**PER** 26.10.2023
1/0503/2023/FUL	Debbie Fuller	Proposed conservatory and replacement ancillary accommodation - Poolsteps, Millbridge, Huntshaw.	Mr Steve Turton	**PER** 24.10.2023
1/0504/2023/LBC	Sarah Chappell	Proposed conservatory and replacement ancillary accommodation - Poolsteps, Millbridge, Huntshaw.	Mr Steve Turton	**PER** 24.10.2023
1/0511/2023/FUL	Miss Jess Wellington	Change of windows and front door from single glazing to UPVC double glazing - Flat, 1 - 2 Victoria Square, Holsworthy.	Miss Catherine Bellew	**PER** 24.10.2023
1/0567/2023/FUL	Mary-Ellen Whalley	Change of use to three flats and alterations (Re-submission of 1/0891/2022/FUL) - Riverside Flats, Lower Meddon Street, Bideford.	Rowan Homes (SW) Ltd	**PER** 14.11.2023
1/0635/2023/FULM	Helen Smith	Residential development of 138 dwellings consisting of 120 houses, 14 bungalows and 4 flats along with an allotment site, public open space and associated infrastructure (Variation of condition 2 of 1/0490/2020/FULM) (Amended site layout and house types) - Land Between Tadworthy Road And Golf Links Road, Westward Ho!, Northam.	NG Properties SW Ltd	**PER** 20.11.2023
1/0660/2023/LBC	Sarah Chappell	Replacement of windows, addition of small porch and repairs to chimney - Chapple Cottage, Dolton, Winkleigh.	Mrs Sally Berkley-Sage	**PER** 02.11.2023
1/0667/2023/FUL	Angelo Massos	Extension to a field building - Land At Burrows Lane, Appledore, Devon.	Mrs Kathryn Harrison	**PER** 25.10.2023
1/0704/2023/FUL	Debbie Fuller	Retrospective application for the erection of agricultural building - Land At Grid Reference 263415 111018, Hollocombe, Devon.	Mr Charles & Chris Beardon	**PER** 20.10.2023
1/0715/2023/FUL	Ryan Steppel	Demolition and replacement of the existing dwelling with a detached 1.5 storey unit with two bedrooms and associated works (resubmission of 1/0482/2023/FUL) - The Croft, Chilsworthy, Holsworthy.	Mr and Mrs Chris and Freda Nicolas	**PER** 24.10.2023

1/0736/2023/FUL	Angelo Massos	Enclosure of agricultural building (Amended red edge location plan) - Agricultural Building At Grid Reference 252004 12571, Alverdiscott, Devon.	Mr & Mr Ley	**PER** 26.10.2023
1/0759/2023/FUL	Ryan Steppel	Demolition of existing garage and replace with double garage and erection of tourism accommodation (resubmission of 1/0644/2022/FUL) - Land At Grid Reference 231231 108849, Pancrasweek, Devon.	Ms Kerri Urquhart	**PER** 24.10.2023
1/0760/2023/FUL	Mr Peter Stapley	Part retrospective change of use from a micro bar (Sui Generis) to a cafe (Class E) - 6A Bridgeland Street, Bideford, Devon.	Mr Karl Burns	**PER** 16.11.2023
1/0763/2023/FUL	Mary-Ellen Whalley	Alterations and extensions to existing dwelling, demolition and rebuild of garage and associated works - Cross Park, Winkleigh, Devon.	Mr and Mrs N Middleton	**PER** 16.11.2023
1/0778/2023/FUL	Mary-Ellen Whalley	Change of use of existing building to annexe/holiday let - Old Post Office Annexe, Fairy Cross, Bideford.	Philip Hanner	**PER** 06.11.2023
1/0791/2023/LBC	Sarah Chappell	Retention of barn converted into dwelling following application 1/0015/2023/NMAT - Haye Farm, Ashwater, Beaworthy.	Miss Jane Godfrey	**PER** 20.11.2023
1/0793/2023/LA	Kristian Evely	Replacement play equipment - Play Area At Grid Reference 245568 127146, Victoria Park, Kingsley Road.	Torridge District Council	**PER** 13.11.2023
1/0794/2023/FUL	James Clements	Part retrospective creation of an all weather menage - East Stowford, Bradworthy, Holsworthy.	Mrs Penelope James	**PER** 26.10.2023
1/0801/2023/FUL	Mrs Nicola McGill	Roof over existing livestock yard/loafing area - Higher Kingford Farm, Pancrasweek, Holsworthy.	Mr Walter Brown	**PER** 15.11.2023
1/0809/2023/FUL	Ryan Steppel	Erection of a single storey garage, extension to replace existing conservatory and associated works - West Dene, Moorfield Road, St Giles On The Heath.	Mr and Mrs Lewitt	**PER** 20.10.2023
1/0825/2023/FUL	Miss Jess Wellington	Proposed extension and detached car port - Fairlawns, Dunsland Cross, Brandis Corner.	Mr & Mrs Barker	**PER** 27.10.2023

1/0833/2023/FUL	Miss Jess Wellington	Construction of a garden cabin - The Hayloft, Forda, Ashwater.	Louise McKee	**PER** 24.10.2023
1/0836/2023/FUL	Mary-Ellen Whalley	Proposed ground floor extension to existing property and first floor balcony extension and part retrospective permission for external ground floor decking (Variation of condition 1 of planning approval 1/0126/2023/FUL) - The Fairway Buoy, Golf Links Road, Westward Ho!.	Braddicks Leisure Ltd	**PER** 01.11.2023
1/0841/2023/FUL	Laura Davies	Change of use of land from agricultural to residential and erection of ancillary building - Land At Grid Reference 238955 111885, Milton Damerel, Devon.	Mr & Mrs Taylor	**PER** 06.11.2023
1/0850/2023/FUL	Ryan Steppel	Alterations to existing dwelling and conversion of garage to no.1 holiday let (affecting a public right of way) - Linney Park, Newton St Petrock, Holsworthy.	Mr Charlie Jenkins	**PER** 23.10.2023
1/0851/2023/FUL	James Clements	Erection of shed - Gawlish Cottage, Hartland, Bideford.	Mr Simon Liebling	**PER** 26.10.2023
1/0854/2023/CPE	Mr Peter Stapley	Certificate of existing lawful development for erection of agricultural storage shed - Land At Grid Reference 230965 103675, Pyworthy, Devon.	Mr Adam Bunker	**PER** 24.10.2023
1/0860/2023/FUL	Mr Peter Stapley	Proposed covered yard - Brittons Farm, Parkham, Bideford.	Mr D Allin	**PER** 24.10.2023
1/0861/2023/FUL	Mr Peter Stapley	Proposed covered yard and water tank - Brittons Farm, Parkham, Bideford.	Mr D Allin	**PER** 24.10.2023
1/0863/2023/REM	Laura Davies	Reserved matters application for Appearance, Landscaping, Layout and Scale for 1no. dwellings pursuant to application 1/0360/2022/OUT (AMENDED PLANS) - Land At Barn Park, Sanders Lane, Holsworthy.	Mr Liddle	**PER** 09.11.2023
1/0866/2023/FUL	James Clements	Erection of agricultural building - Crosspark, Bradworthy, Holsworthy.	Mr R Raffe	**PER** 26.10.2023

1/0868/2023/FUL	James Clements	Roof over existing livestock/gathering loafing area - East Hele, Buckland Brewer, Bideford.	Mr D Brown	**PER** 20.10.2023
1/0872/2023/FUL	Mrs Nicola McGill	Proposed conversion of redundant barns to 3no. dwellings (Variation of Condition 2 of planning approval 1/1095/2020/FUL) (Affecting a Public Right of Way) - Barns At Matcott Farm , Sutcombe, Devon.	Mr Mark Elliott	**PER** 03.11.2023
1/0873/2023/FUL	Miss Beth Hobbs	Refurbishment and extension of existing village hall (Variation of Condition 2 of planning approval 1/0703/2022/FUL) - Ashreigney Village Hall, Ashreigney, Chulmleigh.	Christine Paterson-Deacon	**PER** 31.10.2023
1/0874/2023/FUL	Mrs Nicola McGill	Erection of agricultural implement shed (Re-submission of 1/0388/2023/FUL) - Land Adjacent The Platt, Woodacott, Holsworthy.	Mr D Gammon	**PER** 16.11.2023
1/0879/2023/FUL	Mr Peter Stapley	Erection of no.1 dwelling (Variation of condition 2 of planning approval 1/0235/2022/FUL, plans schedule) - Hillcote West, First Raleigh, Bideford.	Mr Kevin Ashley	**PER** 06.11.2023
1/0881/2023/FUL	James Clements	Erection of a general purpose agricultural building and associated works - Land At Blagdon Manor Farm, Ashwater, Devon.	Mr R Ball	**PER** 03.11.2023
1/0882/2023/FUL	Miss Jess Wellington	Dormer to east elevation - 3 Brighton Villas , Chapel Street, Holsworthy.	Mr Ashley Furse	**PER** 24.10.2023
1/0883/2023/FUL	Angelo Massos	Erection of additional bay to building for storage - Land At Grid Reference 230025 116483, Bradworthy, Devon.	Mr Frank Disney	**PER** 25.10.2023
1/0886/2023/TRE	Mr Peter Stapley	Dismantle beech tree and crown reduction to lime tree covered by TPO/0003/2016 and TPO/0004/2008 - The Launches, New Quay Street, Appledore.	Mr Chris Wills	**PER** 06.11.2023
1/0887/2023/FUL	James Clements	Conversion of barn to dwelling and new garage - Barn At Grid Reference 234062 102653, Chasty, Devon.	Mr and Mrs McConchie	**PER** 03.11.2023

1/0889/2023/LBC	Sarah Chappell	Installation of a hob extractor vent hole on the rear west elevation along with installation of 12 photovoltaic solar panels - Change In Time, Buckland Brewer, Bideford.	Mrs Susan Donegan	**PER** 27.10.2023
1/0896/2023/ADV	Ryan Steppel	External Signage - HSBC, Alexandra House, 11 The Quay.		**PER** 14.11.2023
1/0899/2023/TCA	Debbie Fuller	Crown reduction of 1no. Ash tree back to main stem - Sandford, Merton, Okehampton.	Mr Porter	**PER** 25.10.2023
1/0900/2023/FUL	Miss Jess Wellington	Installation of a hob extractor vent hole on the rear west elevation along with installation of 12 photovoltaic solar panels - Change In Time, Buckland Brewer, Bideford.	Mrs Susan Donegan	**PER** 27.10.2023
1/0901/2023/FUL	Miss Jess Wellington	Part retrospective application for the use of building to house 150kW biomass boiler and installation of flue to serve existing residential units - Building At Grid Reference 234276 120724, Woolsery, Devon.	Mr Derek Lott	**PER** 03.11.2023
1/0903/2023/FUL	Miss Jess Wellington	Single storey extension for the creation of a utility/storage room, pantry and porch - Coombesdown Cottages, Hollacombe, Devon.	Mr Roger Lawes	**PER** 26.10.2023
1/0906/2023/FUL	Mr Peter Stapley	Erection of an agricultural shed - Land At Grid Reference 245400 115650, Langtree, Devon.	Mr Peter Daniel	**PER** 15.11.2023
1/0908/2023/FUL	James Clements	Retrospective creation of livestock and machinery access track under Mid-Tier Countryside Stewardship Scheme - Land At Grid Reference 237224 097730, Ashwater, Devon.	Mr Stephen Furse	**PER** 03.11.2023
1/0909/2023/FUL	James Clements	Enlargement of parking bays & creation of an additional 10 parking spaces, creation of 4 vehicle charging stations and erection of low walls, paving and fencing improvements (Affecting a public right of way) - Resubmission of application 1/0269/2022/FUL - Hartland Forest Golf And Leisure Parc, Woolsery, Bideford.	Atrium Leisure Ltd	**PER** 21.11.2023
1/0910/2023/CPE	James Clements	Certificate of existing lawful development for change of use of building to a single dwellinghouse - Brendon Fields, Woodacott Cross, Holsworthy.	Mr & Mrs Wilders	**PER** 15.11.2023

1/0912/2023/FUL	Mr Peter Stapley	Proposed agricultural storage shed - Land At Heale Farm, Littleham, Bideford.	Withecombe	**PER** 22.11.2023
1/0917/2023/FUL	Miss Jess Wellington	Proposed rear single storey extension to utility and solar panels to the main roof - Little Lashbrook, Thornbury, Holsworthy.	Mrs Scott & Mr Wright	**PER** 02.11.2023
1/0918/2023/AGR	Miss Beth Hobbs	Extension to existing agricultural building - Land At Grid Reference 254369 115121, Beaford, Devon.	Mr Steven Squire	**PER** 25.10.2023
1/0921/2023/FUH	Mrs Nicola McGill	Proposed extensions and alterations to dwelling - Variation of condition 2 of Planning Permission 1/0698/2020/FUH and 1/1376/2021/FUH - Woodlands, Parkham, Bideford.	Unwin & Powell	**PER** 13.11.2023
1/0922/2023/TRE	Mr Peter Stapley	Pruning works to 3no. Beech trees (T1, T1 and T3) covered by TPO/0003/2010 - Ebberley Hill Barton, Ebberley, Torrington.	Mr Kevin Stevens	**PER** 16.11.2023
1/0923/2023/FUL	Laura Davies	Application for reserved matters (access, appearance, landscaping, layout and scale) pursuant to permission 1/0771/2017/OUT (Variation of condition 1 (plans schedule) of planning permission 1/0692/2019/REM) (Variation of condition 1 (plans schedule) of planning permission 1/1136/2022/FUL) - Land At Grid Reference 232400 114328, Bradworthy, Devon.	Mr & Mr C & H Heard	**PER** 21.11.2023
1/0925/2023/FUL	Mary-Ellen Whalley	Erection of 4 bedroom detached dwelling with detached garage following demolition of the existing dwelling and outbuildings - Zephyr, Winkleigh, North Tawton.	Mr & Mrs D Catt	**PER** 20.11.2023
1/0931/2023/TRE	Miss Beth Hobbs	Felling of dead Beech tree covered by TPO/0057/2015 (resubmission of 1/0788/2023/TRE) - Pyt Close, Lenwood Road, Northam.	Mr Jacob Nielson	**PER** 31.10.2023
1/0935/2023/FUL	Miss Beth Hobbs	Conversion of garage and alterations - 10 Nelson Mews, Westward Ho!, Bideford.	Mr and Mrs Hudson	**PER** 16.11.2023
1/0936/2023/FUL	Debbie Fuller	Erection of a stable and hardstanding - Filleigh Moor Gate, Sheepwash, Beaworthy.	Miss Galina Greenwood	**PER** 16.11.2023

1/0946/2023/FUL	Mrs Nicola McGill	Erection of a single storey annexe for ancillary use to the main dwelling. - The Elms, Middlecott, Holsworthy.	Mr and Mrs Moore	**PER** 17.11.2023
1/0955/2023/FUL	Debbie Fuller	No. 13 panel ground mount system - Land At Grid Reference 255435 115142, Bond Street, Beaford.	Mr Raymond Brinn	**PER** 22.11.2023
1/0957/2023/AGR	Miss Jess Wellington	Extension of existing track - Land South East Of Foxcombe Farm, Hollacombe, Holsworthy.	Mr K Martin	**PER** 25.10.2023
1/0958/2023/AGR	Miss Jess Wellington	Erection of forestry building - Land South East Of Foxcombe Farm, Hollacombe, Holsworthy.	Mr K Martin	**PER** 25.10.2023
1/0960/2023/FUL	Ryan Steppel	Proposed single storey dwelling in lieu of approved outline planning application reference 1/0136/2022/OUT (Re-submission of 1/0505/2023/FUL) - Land At Grid Reference 234227 102855, Chasty, Devon.	Mr & Mrs B Hull	**PER** 14.11.2023
1/0967/2023/AGR	Miss Jess Wellington	Erection of a steel frame storage barn - Land At Grid Reference 237445 91266, Virginstow, Devon.	Mr Rogers	**PER** 26.10.2023
1/1002/2023/AGR	Miss Jess Wellington	Proposed livestock and general purpose agricultural building - Land At Grid Reference 238788 109144, Thornbury, Devon.	Mr Will Dodds	**PER** 13.11.2023
1/1021/2023/FUL	Miss Jess Wellington	Erection of a garden room (Resubmission of 1/0641/2023/FUL) - Pale Park, Marhamchurch, Bude.	Mr and Mts Tippett	**PER** 22.11.2023
1/1022/2023/LBC	Sarah Chappell	Erection of a garden room (Resubmission of 1/0642/2023/LBC) - Pale Park, Marhamchurch, Bude.	Mr and Mts Tippett	**PER** 22.11.2023
1/0050/2023/NMAT	Sarah Boyle	Non-material amendment to planning approval 1/0752/2021/REMM - Amendment to tenure of plots 3 & 13 - Land Adjacent Hatchmoor Nursing Home, Torrington, Devon.	Clayewater Homes Ltd	**PER** 15.11.2023
1/0051/2023/NMAT	Ryan Steppel	Non-material amendment to planning approval 1/0728/2022/FUL - Amendment to front elevation and minor adjustments to fenestration - Kingsdown, Cleave Hill, Dolton.	Milton	**PER** 20.11.2023

1/0053/2023/NMAT	Kristian Evely	Non-material amendment to planning approval 1/0076/2020/REMM (Change in cladding colour) - Land At Grid Reference 243660 128681, Bay View Road, Northam.	Mr Chris Lennan	**PER** 13.11.2023
1/1102/2023/AGR	Miss Jess Wellington	Proposed manure store - Viza, Ashwater, Beaworthy.	PE & C J Isaac	**PER** 22.11.2023

Refused

1/0109/2023/FUL	Debbie Fuller	Conversion of derelict barn into holiday accommodation - Westlake Farm, Dolton, Winkleigh.	Mr Stuart Moore	**REF** 25.10.2023
1/0334/2023/OUT	Angelo Massos	Outline application for 1 no. dwelling with all matters reserved (additional information). - Land At Grid Reference 246126 126577, East Ridge View, Bideford.	Rowan Homes SW	**REF** 07.11.2023
1/0581/2023/FUL	Angelo Massos	Conversion of outbuilding to 1no. holiday let - Outbuilding, Clinton House, North Street.	Mr Pedrick	**REF** 06.11.2023
1/0619/2023/FUL	Ryan Steppel	Erection of two detached dwellings with associated parking and landscaping and the provision of 4 no. car parking spaces to serve Culloden House (Re-submission of 1/0001/2023/FUL) (amended plans) - Land At Culloden House, Fosketh Hill, Westward Ho!.	Maxika Homes	**REF** 07.11.2023
1/0700/2023/FUL	Ryan Steppel	Erection of 1no. dwelling with detached garage and 2no. agricultural buildings - Land At Grid Reference 229105 108499, Pancrasweek, Devon.	Mr & Mrs Eric Wynn	**REF** 07.11.2023
1/0729/2023/FULM	Kristian Evely	Installation of 11 no. static caravans with associated infrastructure, and alterations to existing surface water attenuation pond - Roadford Lake Lodges, Broadwoodwidger, Lifton.	Lake Lodge Park Ltd	**REF** 10.11.2023
1/0813/2023/FUL	Ryan Steppel	Enlargement and conversion of agricultural structure to no.1 holiday let unit. - Land At Dowland, Bradworthy, Devon.	Mr C Bond	**REF** 31.10.2023

1/0837/2023/AGR	Debbie Fuller	Erection of an agricultural building for housing of livestock - Land North West Of Cadditon Cross, Winkleigh, Devon.	Mr Lloyd Cleave	**REF** 15.11.2023
1/0897/2023/CPE	Ryan Steppel	Certificate of existing lawful development for use of lake as recreational fishing lake - Pond At Grid Reference 239950 098224, Ashwater, Devon.	Mr David Midgley	**REF** 07.11.2023
1/0919/2023/FUL	Laura Davies	Retention of lodge for use as dwelling - The Log House, Higher Town Farm, Woolsery.	Mr Michael Fletcher	**REF** 06.11.2023
1/1084/2023/TRE5	Debbie Fuller	Felling of partially fallen tree covered by TPO/0038/2015 - 96 Bay View Road, Northam, Bideford.	John Stevenson	**REF** 07.11.2023
		Decline to Determine		
1/0831/2023/CPL	Debbie Fuller	Certificate of proposed lawful use for a replacement caravan - Land At Grid Reference 242179 120045, Buckland Brewer, Devon.	Mrs Tracy Seymour	**DEC** 10.11.2023