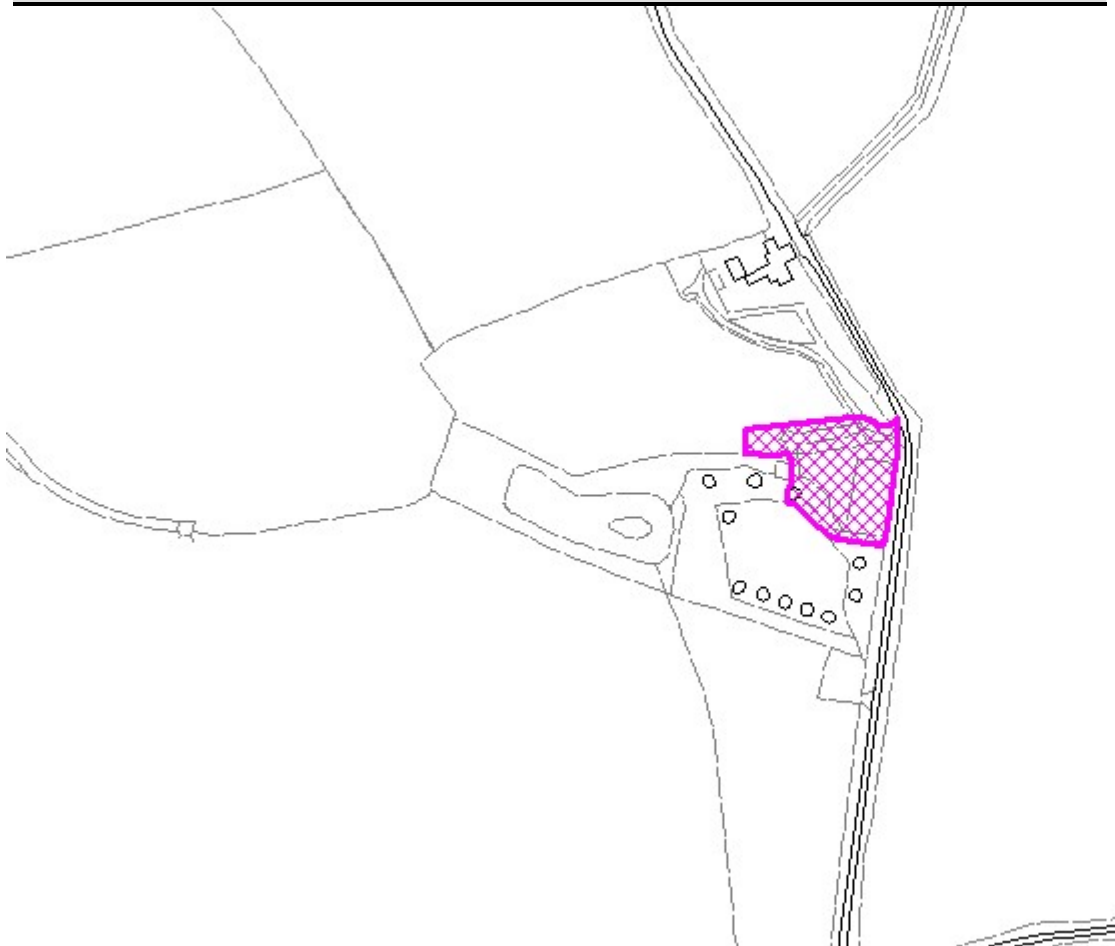


Committee Report – 4 November 2022

Application Number:	1/0560/2022/FUL
Registration date:	10 June 2022
Expiry date:	5 August 2022
Applicant:	Mr And Mrs J Cockrill
Agent:	Planning Partnership Ltd
Case Officer:	Tristan Otten
Site Address:	Coastal Cabins, Hartland, Devon, EX39 6AT
Proposal:	Change of use of redundant amenity building to dwelling
Recommendation:	GRANT subject to conditions



Reason for referral:

The application has been called-in by Cllr Boughton as Ward Member for the following reasons:

- Lack of evidence that the existing building is redundant
- Sewage system in the area not being able to cope

Relevant History:

Application No.	Description	Status	Closed
1/0688/1993	Formation of tennis court	PER	27.07.1993
1/0123/2011/FULM	Proposed 10 yurts, parking, access and communal toilets/showers/store and kitchen block	REF	10.05.2011
1/0225/2012/FULM	10no. Yurts, Including facilities block, parking and access - Additional information and drawings	PER	24.09.2012
1/0105/2012/DIS	Discharge of condition 8 for planning approval 1/0225/2012/FULM	PER	11.01.2013
1/0028/2012/NMAT	Amendment to yurt design as approved in 1/0225/2012/FULM to change from canvas to wood and canvas	PER	19.12.2012
1/0011/2020/NMAT	Non-material amendment pursuant to permission 1/0225/2012/FULM - Layout, location of doors and windows, roof covering	PER	22.06.2020

Site Description & Proposal

Site Description

The site is known as 'Coastal Cabins' and is some 1 kilometre north of Hartland. Coastal Cabins is described as a glamping site, which is an existing campsite facility building to the north east of 10 relatively permanent 'glamping pods'. Each glamping pod has its own toilet, showering and cooking facilities.

The existing single-storey campsite facility building has a gross internal floor space of an estimated 175 square metres and gained planning permission under planning application reference 1/0225/2012/FULM (for toilets, shower block and store). Its design was amended under reference 1/0011/2020/NMAT (for cooking area, communal space and storage).

Some 20 metres north of the site is a dwelling known as 'The Thatched House', and closer is its access track which adjoins the proposal site's northeastern boundary. To the west is a pond, and in all other directions are fields.

The proposal site, as indicated by the red edge on the provided location plan, has an estimated area of 2350 square metres, when excluding the existing access and highway to 'The Thatched House'.

The site is within the Area of Outstanding Natural Beauty (AONB) and the Heritage Coast (HC).

Proposal

The application seeks full planning permission for the change the use of an existing but redundant tourism facility building into a dwelling to be occupied in connection with the adjoining tourism business known as 'Coastal Cabins'.

Access and parking for the proposed dwelling will be provided by the existing access to the Thatched House, where a spur access track will be created to the new dwelling, as shown on the block plan.

The proposal does not significantly alter the external appearance of the building, although a bat box is proposed on the eastern elevation. No additional external lighting is proposed, and existing foul and surface water drainage arrangements will be utilised.

Consultee representations:

Hartland Parish Council:

04 July 2022:

Hartland Parish Council has reviewed planning application 1/0560/2022/FUL. The Parish Council does not support the application, due to the following concerns:

1. The original building for amenities has been erected for less than 12 months, therefore there is no evidence to show that this building is 'redundant'.
2. The sewerage facilities lack capacity for full-time residency, and needs to be addressed.
3. The Parish Council would like clarity as to whether the planning application is out of date, having not started the work within a three year period.

Hartland Parish Council:

30 September 2022:

Hartland Parish Council has reviewed the amended plans for planning application 1/0560/2022/FUL.

The concerns raised in previous correspondence remain.

However it was noted that the response from the agent states "The drainage is to a septic tank that was installed with enough capacity to serve showering, toilet and kitchen facilities for 10 holiday units".

On Google Map (satellite view) you can clearly see that the site already has 11 holiday units on site, without the addition of the dwelling. As we are aware sewerage capacity for holiday lets is a different level compared to full-time residential, therefore the concerns regarding the capacity of sewerage facility still remains and should be reviewed.

Devon County Council (Highways):

Provided standing advice

Environmental Protection Officer:

17 June 2022:

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team

recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading.

Environmental Protection Officer:

1 August 2022:

Further to the previous consultation response dated 17 June, it has been brought to the attention of the Environmental Protection Team that a tennis court and campsite/spa area exist in close proximity to the application site. Whilst it is considered that the tennis court would not result in an adverse impact on residential amenity, especially as it is located within the curtilage of the proposed development, there is the potential for disturbance from the campsite/spa area, mainly from people noise during noise sensitive times, if there are no restrictions on its use.

The Environmental Protection Team reiterates its previous comments in relation to the foul drainage provision. No information has been provided to indicate the existing non-mains provision has sufficient capacity to accommodate any additional loading. The applicant is responsible for ensuring the adequacy of the foul drainage provision.

Environmental Protection Officer:

05 September 2022:

Further to the previous consultation responses dated 17 June and 1 August, the Environmental Protection Team acknowledges the applicant's comments with regards the historic use of the foul drainage provision which would appear to have sufficient capacity for the proposed development. The Environmental Protection Team reiterates the need to restrict construction hours given the undoubted low background levels during noise sensitive periods.

AONB Team:

None received.

Representations:

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

None received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development)
ST07 (Spatial Development Strategy for Northern Devon's Rural Area)
ST09 (Coast and Estuary Strategy)
ST10 (Transport Strategy)

DM01 (Amenity Considerations)
DM02 (Environmental Protection)
DM04 (Design Principles)
DM05 (Highways)
DM06 (Parking Provision)
DM08 (Biodiversity and Geodiversity)
DM08A (Landscape and Seascape Character)
DM27 (Re-use of Disused and Redundant Rural Buildings)

Government Guidance:

NPPF (National Planning Policy Framework)

NPPG (National Planning Practice Guidance)

NERC (Natural Environment & Rural Communities)

WACA (Wildlife & Countryside Act 1981)

Planning Considerations

- 1. Preliminary matters**
- 2. Principle of development**
- 3. Impacts on design and character**
- 4. Impacts on residential amenity**
- 5. Access and Parking**
- 6. Ecology and Biodiversity**

1. Preliminary matters

Following comments received from the Parish Council, the agent has responded:

“The Parish Council would like clarity as to whether the planning application is out of date, having not started the work within a three year period. I presume this refers to whether the original permission 1/0225/2012/FULM was implemented within 3 years. A non-material amendment application to vary certain details of this permission was made and approved in 2020 under ref. 1/0011/2020/NMAT. TDC would not have entertained such an application if the original had not been implemented within the required period. It seems with respect that the PC have confused the requirement to commence a permission within 3 years with one to complete it within that period, which is clearly not what the time condition requires.”

The Local Planning Authority does not dispute that development commenced within 3 years of the date of planning approval 1/0225/2012/FULM.

2. 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 and Country Planning Act 1990) requires applications for planning permission to 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. The development plan is the North Devon and Torridge Local Plan 2011 – 2031 (Adopted 2018) (NDTLP).

The application site is located within countryside, outside of any designated settlements as identified on the Proposals Maps to the North Devon and Torridge Local Plan (2018). As a result, the provisions of section (4) of Policy ST07 are relevant which notes that within such countryside locations, 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.

Also relevant is Part 4.16 of ST07 of the NDTLP, which states that, “in the countryside, the Local Plan seeks to control dispersed development, guarding against development in unsustainable locations. The character of the countryside should be conserved and enhanced and new development will not detract from this. Within this context the Local Plan is responsive to a range of economic and social needs and it support the appropriate reuse of rural buildings”.

The proposed is for the re-use of an existing building. The agent explains that the building is redundant or disused by stating:

“The original intention at this location was to provide accommodation in yurts, with communal washing and cooking facilities provided within the amenity building.

The site evolved along different lines however with the rise of glamping as a phenomenon. Glamping pods offer a greater level of comfort and amenity than the originally proposed yurts. They also offer a significantly higher degree of self-containment, each having their own toilet/showering and cooking facilities.

As a result of the lack of dependence of the pods on the facilities originally proposed for the amenities building, the design and function was amended as noted above to remove the communal washing/changing/shower facilities and simplify the communal cooking facilities. A communal space and storage facilities were introduced as part of the revision.

Since the construction of the amenity building the site has become well established and the pattern of usage has developed along lines not originally envisaged. The facilities provided in the application building are not utilised to the degree expected and guests to the site utilise the self-contained facilities within their pods and those of a communal barbecue facility instead of relying on the amenity building.

A pre-application enquiry under ref. FPEG/0148/2022 was made earlier this year, in response to which it was suggested that “Although the proposed (sic) is for the re-use of a building, it has not been demonstrated that the building is redundant or disused. The existing tourism accommodation that the site provides is considered to benefit from services that the existing building could/does provide. It is noted that there are recent reviews of customers using the tourism accommodation site. On this basis, proposal would therefore conflict with policy DM27 of the Local Plan.”

There are of course reviews of the site being used, as it is still an active and thriving tourism facility. The reviews however do not refer to the amenity building as it is not in use. The facilities in the pods are referred to and the barbecue and spa are valued, but these do not rely on the amenity building.

What is frequently referred to is the welcome offered by the owners. The current site owners and managers live close to the site in the Thatched House, but they have sold the other tourism business they owned in the vicinity and are soon to move. Their daughter currently lives some miles away and cannot realistically take over the management of the building effectively from her present location. This would necessitate being in the immediate vicinity. A residential re-use of the current amenity building would provide an on-site presence for the on-going management of this valuable tourism facility.

The supporting text to Policy DM 27 refers at 13.142 to “Northern Devon is predominantly rural in nature and the countryside contains many buildings that are no longer required for their original intended use.” This epitomises the situation at Coastal Cabins. The building would not have been constructed if it was not envisaged it would be needed, but as it turns out, the way the site has developed does not require an amenity building of this type – thus rendering it redundant. The theoretical possibility of the building being capable of use for the purpose originally conceived for it is not a constraint of policy.

The dictionary definition of redundant is “no longer needed or useful; superfluous”. The building is not needed for the originally envisaged purpose and its ongoing provision for that purpose is not economically viable or useful. Accordingly, it is redundant for that purpose.”

On this matter, the agent also responds to the Parish Council’s comments:

“Hartland PC - 3 reasons for objecting: 1. The original building for amenities has been erected for less than 12 months, therefore there is no evidence to show that this building is redundant. Please see the attached Google Earth Pro image dated 5/2/2021, well over 12 months ago, that shows the building in place.”

The agent then responds in more detail:

“One element of the PC's concerns, which you also raised at pre-application stage, was whether the building could be regarded as redundant, given that Coastal Cabins is still trading as a holiday business. I did address this in my planning statement in support of the application, but would reiterate the following points:

1. The original proposal was to provide holiday accommodation in canvas yurts. These would have had no ablutionary or cooking facilities and the building was designed to provide these. An application to vary the holiday units from canvas to timber was made and approved. The cabins now present on site have their own facilities, thus rendering the original purpose for the amenity building redundant.
2. An alternative communal use may have been feasible at one stage, but post-Covid the appetite of visitors for indoor communal facilities has declined markedly. With the existing facilities available for guests there is no demand for a communal amenity building of the nature originally envisaged. Policy DM 27 of the NDTLP does not specify a period for which a building must be redundant. Also, the policy was written and adopted pre-Covid, so would not have envisaged the rapid change in the nature of visitor demand as a result of the pandemic.
3. The welcome and assistance provided by on site owners is a feature commented on by several of the guests who have posted on-line reviews of the site. The present owners wish to retire and their daughter is looking to take the management of the site over. She currently lives in Braunton, from where it would be impossible to provide a proper supervisory service. An application for a supervisory dwelling could be made but given the availability of the amenity building and the lack of ongoing need for the facilities it was to provide, it seemed more sensible to utilise the provisions of DM 27 to create a dwelling for the new manager from its conversion.
4. Although policy DM 27 of the local plan does not require any restriction on the occupation of a dwelling arising from it, the applicants would, if the LPA feel it necessary, agree to a condition limiting occupation of the dwelling to someone employed in the management of the Coastal Cabins business.”

The Local Planning Authority must consider the stated redundancy of the building objectively and in light of the Local Planning Authority having no evidence to the contrary, it finds that it would be unreasonable to resist the application for change to residential use in this instance. When considering that the relatively permanent glamping pods have existing toilet, showering and cooking facilities, it reasonably follows that the camping facilities building is no longer required and is redundant for the purpose of the existing business.

NDTLP Policy DM27 (Re-use of Disused and Redundant Rural Buildings) states that: “The conversion of redundant and disused rural buildings will be supported subject to stated criteria. The proposal is assessed against these criteria below:

- (a) such conversion would not harm any intrinsic qualities and historic interest of the building;

The proposal will not be changed externally, apart from the addition of a bat box on the east elevation. Further, it is considered reasonable and necessary to restrict the provisions of Schedule 2, Part 1, Classes A, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)(henceforth GPDO) in the interest of preserving the intrinsic qualities of the building in perpetuity.

- (b) the proposal will have a positive impact on the immediate setting of the building and the wider rural character is protected;

The proposal will result in a positive impact on the immediate setting of the building because it will provide supervisor/manager's accommodation for the adjoining tourism site. The wider rural character is not harmed by the proposal as the external appearance of the building will not be changed and remains relatively agricultural in appearance and character, akin to a barn conversion.

(c) development can be achieved without significant external alteration, extension or substantive rebuilding;

The proposal satisfies this point. No significant external alterations, extension or rebuilding has been proposed.

(d) suitable highway access can be provided and the surrounding highway network can support the proposed use(s); and

The proposal satisfies this point. The number of vehicle movements to and from the site are unlikely to change significantly as a result of this proposal.

(e) any nature conservation interest within the building or wider site is retained.”

The proposal satisfies this point.

Policy ST09 sets out the NDTLP's aim to, in areas identified on the policies map, maintain and enhance the sustainability and identity of coastal communities with regard to their distinctive cultural heritage, diverse maritime economy, landscape setting and regeneration opportunities. Relevant points are quoted here, and, in each case, an assessment is provided:

- (5) The integrity of the coast and estuary as an important wildlife corridor will be protected and enhanced. The importance of the undeveloped coastal, estuarine and marine environments, including the North Devon Coast Areas of Outstanding Natural Beauty, will be recognised through supporting designations, plans and policies. The undeveloped character of the Heritage Coasts will be protected.

The proposal does not result in significant harm to the integrity of the coast and estuary as an important wildlife corridor. An enhancement by means of a bat box on the east elevation. No additional lighting is proposed which would increase harm to the dark skies within this part of the AONB. Externally, the building will not change in appearance or height. Therefore, the Local Planning Authority finds no significant conflict with this part of ST09.

- (7) Development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coasts, and it is required because it cannot reasonably be located outside the Undeveloped Coast and estuary.”

As the building already exists and, in its appearance, will not be significantly change externally (apart from the addition of the bat box on the east elevation), the proposed dwelling will not detract from the surrounding character of the heritage coast or undeveloped coast.

Therefore, on balance and subject to conditions and other planning considerations, the proposal is acceptable in principle and in terms of policies ST07, ST09 and DM27 of the NDTLP.

3. Impacts on design and character

Paragraph 130 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings. Policy ST04 of the NDTLP outlines development will be supported if they, 'achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analysis 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 (Design Principles) 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 support the creation of successful places and respond to the challenges of climate change.' The policy provides fourteen design principles that developments should have regard to.

Policy DM08A of the NDTLP relates to landscape and seascape character noting that development should be of an appropriate scale, mass and design that recognises and respects the landscape character of both designated and undesignated landscapes.

The surrounding landscape character is classified as 1B 'Coastal Open Plateau' within the Joint Landscape Character Assessment. The overall strategy for 1B is to "protect the open, undeveloped character of the coastal plateau with expansive sea views and high levels of tranquillity. Distinctive woodlands surrounding settlements are managed (including for woodfuel) and coastal habitats are traditionally grazed. The ever-changing coastline is strengthened and prepared for the future effects of climate change."

As no changes are proposed to the external appearance of the building, apart from the bat box on the east elevation, there is no concern that the proposal will have a significant impact on the character and appearance of the building, its setting and the surrounding landscape character type. Nor will there be a significant impact on the Area of Outstanding Natural Beauty or the dark skies in this area, because no additional external lighting is proposed.

It is noted that the agent states within the application that permitted development rights would be restricted suitably by the existing restrictions within the GPDO relating to dwellings in the AONB.

However, significant weight is given to preserving the landscape character and beauty of the Area of Outstanding Natural Beauty. Therefore, the Local Planning Authority must consider the resulting permitted development rights which a new dwelling and its curtilage would benefit from.

Considering that the proposal site is surrounded by open countryside, and that the building is reflective of the external appearance of agricultural buildings, it is considered reasonable and necessary to impose a condition which restricts permitted development rights, in the interest of preserving the character the building, its setting in the countryside's surrounding landscape within the AONB, and the rural character of the site.

Therefore, and subject to recommended conditions, the proposal is acceptable in terms of policies ST04, DM04 and DM08A of the NDTLP.

4. Impacts on residential amenity

Policy DM01 of the NDTLP states that development proposals 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.

Policy DM02 of the NDTLP relates to environmental protection and states that development will be supported where it does not result in unacceptable impacts to the environment including from light, air, water or noise pollution. Section (2)(d) notes that in terms of light pollution this can include sky glow, light intrusion and light spillage where light overspills onto areas not intended to be lit.

The Torridge District Council Environmental Protection Officer was consulted on this application and stated on:

17 June 2022:

“In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading.”

He provided further comments on the 1 August 2022:

“Further to the previous consultation response dated 17 June, it has been brought to the attention of the Environmental Protection Team that a tennis court and campsite/spa area exist in close proximity to the application site. Whilst it is considered that the tennis court would not result in an adverse impact on residential amenity, especially as it is located within the curtilage of the proposed development, there is the potential for disturbance from the campsite/spa area, mainly from people noise during noise sensitive times, if there are no restrictions on it's use.

The Environmental Protection Team reiterates its previous comments in relation to the foul drainage provision. No information has been provided to indicate the existing non-mains provision has sufficient capacity to accommodate any additional loading. The applicant is responsible for ensuring the adequacy of the foul drainage provision.”

During the construction phase, the proposed will result in significant noise affecting residential tranquillity amenity. Therefore, it is considered reasonable and in line with Policy DM02 to impose a condition limiting construction hours.

No significant overlooking or overshadowing, or negative impacts on the adjoining holiday accommodation would result from the new dwelling due to the site layout, window arrangements on glamping pods, and distance and screening between buildings. However, there is concern that an unrestricted dwelling in this location would be significantly harmed by the adjoining tourism business, consisting of ten almost self-contained glamping pods, spa area and communal barbecue cooking area. These facilities are considered to generate noise, smoke, odour and a reduction in privacy amenity impacting the occupants of the proposed dwelling. Therefore, it is considered reasonable, necessary and in line with policies DM01 and DM02 of the NDTLP to restrict the occupancy of the dwelling to be in association with the adjoining holiday accommodation to protect its future occupants by ensuring their direct link with the business and its associated impacts on amenity.

Regarding an occupancy condition, the agent has stated:

“Whilst it is believed that there is no policy basis within DM27 for requiring the proposed dwelling to be tied to the Coastal cabins site, if the LPA believe that there are material considerations that make this desirable then please discuss with the agent. Although policy DM27 of the local plan does not require any restriction on the occupation of a dwelling arising from it, the applicants would, if the LPA feel it necessary, agree to a condition limiting occupation of the dwelling to someone employed in the management of the Coastal Cabins business.”

Regarding foul drainage provision, the agent has stated:

“The land shown on the block plan hatched blue is currently in the applicants’ ownership. This will be sold with the Thatched House, but access rights will be retained along with the land housing the septic tank serving the proposed dwelling. Rights of drainage for the soakaway area will also be retained on any disposal.”

And responds to the Parish Council’s comments by stating:

“The drainage is to a septic tank that was installed with enough capacity to serve showering, toilet and kitchen facilities for 10 holiday units. The suggestion it cannot cope with one three bedroomed dwelling is completely unsubstantiated and clearly incorrect.”

The Parish has again made comments raising concern over the number of holiday units exceeding 10 and questioning the capacity of the foul drainage system. This is a matter that would be dealt with via building regulations and your Officer is satisfied that there is sufficient land within the applicant’s control to ensure that adequate foul drainage measures can be established without causing harm to any neighbouring occupiers.

Therefore, subject to the recommended conditions, the proposal is acceptable in terms of policies DM01 and DM02 of the NDTLP.

5. Access and Parking

Policy ST10 of the NDTLP seeks to ensure that development proposals would not adversely impact local or strategic networks.

Policy DM05 (Highways) states:

“(1) All development must ensure 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 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 (Parking Provision) states:

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

(a) accessibility and sustainability of the site;

Paragraph 111 of the National Planning Policy Framework states that, ‘development should only be 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.’

Devon County Council Highway were consulted on the proposal and provided their standing advice.

Because the site is already served by an existing access to the highway, which would spur off to the new dwelling within land owned by the applicant, and because there are existing movements to the site by managers and supervisors, a significant change to traffic movements to the site are unlikely to result from the proposal.

Therefore, the proposal is acceptable in terms of policies ST10, DM05, DM06 and DM27 of the NDTLP.

6. 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 further reinforced within the Torrington District Local Plan through Policies ST14 and DM08 of the Local Plan, which require development, where possible, to retain or where possible enhance and provide a net gain in biodiversity and mitigate against the potential loss of habitats.

Specifically, policy DM08 states:

“(1) Development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. All development must ensure that the importance of habitats and designated sites are taken into account and consider opportunities for the creation of a local and district-wide biodiversity network of wildlife corridors which link County Wildlife Sites and other areas of biodiversity importance.”

And:

“Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts

(8) Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in biodiversity features and enhancements and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.”

NPPF paragraph 180 states that where significant harm to biodiversity cannot be avoided or adequately or compensated for, then planning permission should be refused.

A completed Devon County Council Wildlife and Geology Trigger table has been submitted and identified the need for further information.

The following statement was provided:

“Similarly, the normal requirement for an ecological report is not felt to be justified. The building was effectively constructed to provide for ancillary residential use and as such will require minimal internal reorganisation to provide full residential accommodation. As such no works that will be potentially detrimental to the habitats of any protected species will be required. Additional habitat will be provided by the installation of a bat box and sparrow terrace to the ends of the building as shown.”

And:

“There will be no development that will adversely impact on habitat. It is likely that additional planting including hedging to the new curtilage boundaries of the property to be created will provide additional habitat. A bat box will be located to the eastern elevation, away from the communal facilities of the site and possible disturbance.”

Due to the scale and nature of the proposed development, a harmful impact on protected species is not considered to result, and therefore the proposal is in line with policies ST14 and DM08 of the NDTLP.

Conclusion

Subject to recommended conditions, the proposal is not considered to result in an adverse impact on the character and appearance of the surrounding area, highways, the amenities of neighbouring occupiers or protected species.

The following policies of the NDTLP are satisfied:

ST04 (Improving the Quality of Development)

ST07 (Spatial Development Strategy for Northern Devon's Rural Area)
ST09 (Coast and Estuary Strategy)
ST10 (Transport Strategy)

DM01 (Amenity Considerations)
DM02 (Environmental Protection)
DM04 (Design Principles)
DM05 (Highways)
DM06 (Parking Provision)
DM08 (Biodiversity and Geodiversity)
DM08A (Landscape and Seascape Character)
DM27 (Re-use of Disused and Redundant Rural Buildings).

Human rights & Equalities

Consideration has been given to the Human Rights Act 1998 and the Equality Act 2010.

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 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 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.
- 3 Construction works (including deliveries of construction materials) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties, in accordance with policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.
- 3 Within 3 months of the date of this decision full details (including species, type and size at time of planting) of all proposed landscaping and boundary treatments and the proposed times of planting, shall have been submitted for approval in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of the dwelling hereby approved. If within a period of five years from the date of the planting of any tree, hedgerow plant or shrub, that tree, hedgerow plant or shrub or any planted as replacement, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree, hedgerow plant or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To confirm the boundary treatments for the site in the interests of the visual amenities of the area and to achieve a biodiversity net gain.

- 4 Prior to the first use of the dwelling hereby permitted, one bat box, shall be installed on the building, and retained as such thereafter.

Reason: To provide a net gain in biodiversity in accordance with Policy DM08 of North Devon and Torridge Local Plan 2011-2031.

- 5 The dwelling hereby permitted shall be occupied only by a person currently or most recently involved in the management or supervision of the adjoining holiday business currently known as Coastal Cabins, their dependants, widow or widower, and shall not be sold or let separately from the area hatched green on the location and site plan received on the 23 August 2022.

Reason: To protect the amenities of future and intended occupants of the dwelling in line with policies DM01 and DM02 of the North Devon and Torridge Local Plan 2011-2031.

- 6 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, Classes A, AA, B, C, D, E and Part 2 Classes A and B of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of the character and appearance of the setting of the building in the countryside and Area of Outstanding Natural Beauty.

Plans Schedule

Reference	Received
20-0307 D03	26.05.2022
Proposed Elevations & Floor Plans	23.08.2022
LOCATION AND BLOCK PLAN	23.08.2022

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.

Informatives

01 Bats –

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and rights of Way Act 2000) and are further protected by under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and English Nature be contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware

of this requirement and given the relevant contact number of Natural England, which is via the Bat Conservation Trust on 0345 1300 228.

02 Protect Species –

Should any protected species be discovered during the development the applicant is advised to seek further information on licensing from Natural England whose contact details are listed below:

General and licensing enquiries : Tel: 0845 601 4523 (Local rate) or by email

-General queries and wildlife management licensing email : wildlife@naturalengland.org.uk

-European protected species mitigation licensing email: EPS.mitigation@naturalengland.org.uk

-Science and conservation licensing: email: wildlife.scicons@naturalengland.org.uk

03 Nesting birds –

Nesting birds are protected under the Wildlife and Countryside Act (1981) and as amended by the Countryside and Rights of Way Act (2000). Birds are protected against disturbance during the nesting period, defined as the period from when nest-building commences to the time that nestlings have left. This varies according to species but is typically taken to be from approximately 1st April until mid-July to late August, depending on second broods.

04 Foul drainage –

From the Environmental Protection Team's consultation comments:

"It is noted that the proposed development will be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure that the existing provision has sufficient capacity to accommodate any additional loading."