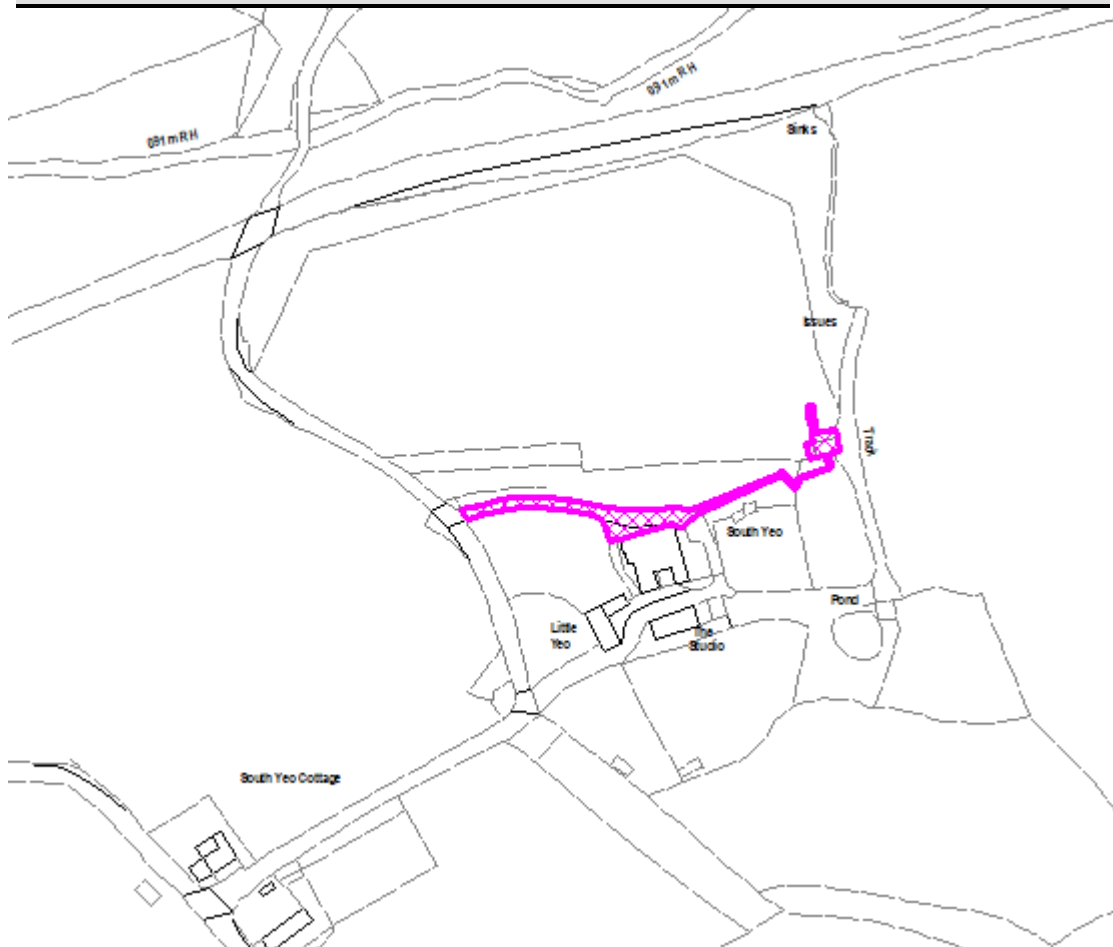


Committee Report – 05.10.2023

Application Number:	1/0791/2022/FUL
Registration date:	27 July 2022
Expiry date:	21 September 2022
Applicant:	Mrs. Joanne Wade
Agent:	KOST Architects
Case Officer:	Debbie Fuller
Site Address:	Barn at South Yeo Yeo Vale Devon
Proposal:	Conversion of barn to holiday let
Recommendation:	Grant



Reason for referral:

This planning application is brought before members of the Plans Committee for consideration due to the applicant being related to a Council member of staff.

Relevant History:

Application No.	Description	Status	Closed
1/1302/2003/LBC	Alterations to window to form doors	PER	11.09.2003
1/1860/2003/COU	Conversion of barn to form pool	PER	19.11.2003
1/1905/2003/LBC	Conversion of barn to form pool	PER	19.11.2003
1/1019/2018/FUL	Conversion of redundant agricultural barn to dwelling	PER	01.03.2019
1/1020/2018/LBC	Conversion of redundant agricultural barn to dwelling	PER	01.03.2019
1/0007/2019/DIS	Discharge of condition 6 of planning permission 1/1019/2018/FUL	PER	27.06.2019
1/0960/2019/FUL	Removal of condition 4 (ancillary accommodation) of planning permission 1/1019/2018/FUL	PER	17.01.2020
1/0792/2022/LBC	Conversion of barn to holiday let	PDE	

Site Description & Proposal

Site Description

'South Yeo' occupies a rural location within the Yeo Valley. The property is accessed directly via a rural lane, which has two access points off the county highway road the C461. The site occupies an elevated position above the valley, and main highway below, and is well screened with mature planting and trees within the roadside hedge.

The information regarding 'South Yeo,' records that the site was formally a farmstead with the main dwelling being an early C19 farmhouse, (which is Grade II listed). with traditional farm buildings to the rear and a walled garden complex to the side. This garden area is defined by a high natural stone garden wall with some cob in areas and is located to the east of the farmhouse forming separation to the formal gardens.

The Linhay barn, which is the subject of this application, (accompanied by a listed building application, planning reference 1/0792/2022/LBC), is sited 60 metres to the east of the main listed building and is attached to the north side of the walled garden complex associated with the host listed building and due to its proximity to the listed farmhouse, it is considered listed by association.

The building to be converted served originally as part of the service provision for a house of this status as a stock house or store for machinery. The building is termed Linhay on historic plans and these structures are open fronted to provide access at ground floor with a store above. The barn building comprises of a stone wall under a pantile roof. The open fronted structure leans against the wall of the walled garden and forms an 'L' shape attached to the main stone barn. The barns form a small yard area adjacent to the main walled garden structure with the fourth side of the courtyard closed by a stone

wall containing an arched gateway. The proposed conversion uses this enclosed yard to create a self-contained holiday unit and amenity area.

Proposed Development

The works of conversion include inserting glazed doors to infill the lincay barn and the reconstruction of the open fronted building with more robust materials to replace the corrugated iron roof. The roof will be a metal standing seam roof appropriate as a horticultural style building in this location. The main barn roof will be retained as pantiles denoting its agricultural origins. There are no new openings proposed in the outer walls of the barns and the scheme is contained within the yard that the barns form.

The unit is limited in the accommodation it offers and is sought as holiday accommodation ancillary to the main house. There is no vehicular access to the north side of the walled garden complex and access for works and visitors will be via the entrance for the host dwelling at 'South Yeo.' Parking is allocated in front of the house and visitors will have to walk to the accommodation across an area of lawn and landscaped garden.

Consultee representations:

Devon County Council (Highways):

Refer to Standing Advice.

The Environment Agency:

No response received.

Natural England:

No response received.

Parkham Parish/Town Council:

The above application was considered by Parkham Parish Council at its scheduled meeting on 5 September 2022. It was unanimously resolved to recommend approval of the application.

Conservation Officer:

The proposal seeks to convert and add to an existing garden barn associated with the walled garden which serves South Yeo house.

The proposal uses a stone structure sided to the north of the walled garden and adds a permanent structure to what is currently a lean-to. The structure is described as a lincay in the tithe apportionment. This is defined as a two-storey building with an open front with a hay-loft above.

The proposal does alter a historic 'estate' building, but the use will safeguard and retain the structure as part of the traditional function of a gentleman's estate.

As such the proposal is not considered to harm the significance of the listed building and the retention of historic structures is supported.

The proposal is considered to be acceptable in terms of the guidance set out in paragraph 202 of the NPPF as the proposal does not impact on the significance of the host listed building. Additionally, the proposal is considered to accord with paragraphs 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that the scheme is considered to 'preserve the building or its setting or any features of special architectural or historic interest which it possesses.'

There need to be some assurances on certain aspects of the scheme - conditioning ancillary use, materials, management of access to the unit. This is to ensure the use of the unit does not detract from the use and occupation of the host listed building. These matters can be controlled by condition within the planning system.

Overall, there are no objections to the principal to this proposal.

Environmental Protection Officer: (first response, received 8th August 2022)

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

The proposed development is to be served by a package treatment plant discharging to a watercourse. DEFRA's General Binding Rules stipulates that the receiving watercourse must normally contain a continual annual flow. The applicant will need to provide evidence, namely video footage and photographic images, demonstrating the continual flow as well as any formal maps marking the watercourse for review.

Environmental Protection Officer: (second response, received 22nd September 2022)

Further to the initial consultation response dated 8 August, the Environmental Protection Team notes the plan indicating the location of the watercourse. However, as previously mentioned, evidence of a continual flow will need to be provided in order to ensure compliance with DEFRA's General Binding Rules.

Environmental Protection Officer: (third response, received 14th October 2022)

Thank you for forwarding the supporting information in relation to the foul drainage proposal. Having reviewed the information and sought advice from the Authority's lead officer for drainage, it does not appear to demonstrate discharge to a constantly running watercourse. The information seems to show the proposed discharge point into a culvert that enters a 'French drain' (ditch filled with stone). The OS map shows the 'issue' (flowing spring) which appears to be the proposed receiving water ending in a 'sink' (going into ground) and not flowing to the River Yeo. Subsequently, the proposal does not meet the requirements of DEFRA's General Binding Rules and may need permitting or further advice from the Environment Agency.

If the foul drainage provision is amended to introduce a septic tank and drainage field as suggested, the Environmental Protection Team will require percolation testing to be undertaken and the results submitted for review as well as the calculated drainage field area and location.

Environmental Protection Officer: (fourth response, received 15th August 2023)

Further to the previous consultation response dated 17 October 2022, it is noted that the applicant now intends to introduce a cesspool to serve the proposed development. Although the least preferred method as outlined in the Hierarchy of Foul Drainage Options, a cesspool is considered a suitable means of foul drainage. The Environmental Protection Team has no objections.

Representations:

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

No representations have been received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental 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); DM18 (Tourism Accommodation) 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

The main planning considerations with this application are:

1. Principle of development
2. Visual impact and landscape character
3. Heritage assets
4. Residential amenity
5. Highways and parking
6. Drainage
7. 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 as well as development, which is necessarily restricted to a countryside location, (Policy ST07: 'Spatial Development Strategy for Northern Devon's Rural Area').

The adopted Local Plan supports tourism and recognises that it is an integral part of the economy of northern Devon, *'The area has a wealth of tourism facilities and attractions, the majority of which are based on the value provided by the area's environmental assets.'*

Policy ST13: 'Sustainable Tourism,' of the Local Plan, supports 'high quality tourism development that promotes a year-round industry.' Paragraph 5.31 of the Local Plan states, *'In order to achieve the objective of sustainable tourism, the area's tourism "offer" must be enhanced. Sustainable tourism development in northern Devon will be focused on qualitative improvements, which could include expansion of existing facilities. Delivery of a quality product, not only through environmental safeguards but also through improved standards in the quality and range of accommodation and attractions, is an important element in achieving sustainable development. A quality rather than quantity approach is required if the sector is to keep pace with continually evolving requirements and expectations. Proposals that result in the enhancement of existing attractions and destinations will be supported.'*

The National Planning Policy Framework (NPPF) also supports 'sustainable rural tourism' which respect the character of the countryside (Paragraph 84 (c)).

Similarly, Policy DM18 'Tourism Accommodation,' of the NDTLP sets out in the countryside, the expansion or rationalisation of existing tourism accommodation will be supported where it:

- (a) *Is related directly to and compatible in scale with an existing tourism, visitor, or leisure attraction; or*
- (b) *Reused or converts existing buildings; or*
- (c) *Improves facilities for or diversifies the range or improves the quality of existing tourism accommodation.*

In this case, the reuse of the building for tourism accommodation would comply with Policy DM18 of the NDLTP. The proposal reuses a listed barn on the site. NDTLP Policy DM27 also supports the reuse of redundant or disused rural buildings for tourism purposes and it is considered that the building can be described as disused. The provision of a small holiday letting facility adds to the range of tourist activity within the area. Taking account of the above planning policy position, the principle of the conversion of the outbuilding/s to a holiday let is acceptable, subject to the provisions of other policies in the rest of the plan.

2. Visual Impact and Landscape Character

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

Policy DM27 'Re-use of Disused and Redundant Rural Buildings,' supports the principle of the reuse of redundant or disused rural buildings for residential, tourism or economic uses. A fundamental principle

underpinning the policy is 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.

Policy DM27: 'Re-use of Disused and Redundant Rural Buildings,' in the NDTLP 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 support the proposed use(s); and*
- (e) Any nature conservation interest within the building or wider site is retained.*

It is considered that the building is structurally sound and capable of conversion, (without significant extension and/or demolition).

The proposed external finishing materials are in keeping with the character, appearance and setting of the adjacent properties, including the setting of the Grade II Listed Building. The palette of materials is considered appropriate for this location using metal profile sheeting for the roof.

The Local Authority's Conservation Officer has been consulted and has no objections, although recommends conditioning materials, to ensure the use of the unit does not detract from the use and occupation of the host listed building.

The conversion must ensure that the immediate setting of the building is enhanced. The proposal has paid 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. The removal of permitted development rights for extensions and alterations, (including outbuildings), aims to ensure that the Local Planning Authority have control over future additions, which may impact on the building and/or the setting.

It is considered that the development would not affect the wider area given the screening in the landscape and secluded nature of the site.

Therefore, it is considered that the proposed development accords with Policies DM04, ST04 and DM08A of the Local Plan and part 12 of the NPPF.

3. Impact on Heritage Assets

Policies ST15 and DM07 of the Local Plan aim to protect north Devon's historic environment. Policy DM07: 'Historic Environment,' of the Local Plan requires all proposals affecting heritage assets to 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 submitted Design and Access Statement includes a Heritage Impact Assessment.

The duty of the Council as a Local Planning Authority is set out in paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The duty in relation to Listed Buildings is to preserve its setting or any features of special architectural or historic interest which the building may possess. Paragraphs 199-201 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Additionally, Paragraph 202 of the NPPF states that, '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

The proposed works are considered acceptable under guidance contained in paragraphs 197-202 of the NPPF. The proposal is also considered acceptable in terms of paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no objections from the Conservation Officer. The advice concludes the works do not impact on the significance and setting of this heritage asset and can be justified in securing the optimum use for the currently redundant listed barn.

It is considered that the proposal accords with policies ST15 and DM07 of the Local Plan and the NPPF.

4. Residential amenity

The National Planning Policy Framework (the Framework) sets out core planning objectives, one of which is to seek a good standard of amenity for all existing and future occupants of land and buildings.

The application unit is internally, quite small, but having viewed all external and internal areas, it appears, that overall, with the ability to use outside space, which is secluded, and open patio doors into outside spaces, there is an acceptable standard of accommodation and daylight into areas.

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.*

Policy DM04: 'Design Principles' aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

The nearest neighbouring property is situated approximately 60 metres away from the application site and would therefore not result in significant harm to the amenities of neighbouring properties. The separation distance and the single storey nature of the development, means there would be no undue impact on neighbouring amenity.

Adequate parking and turning is provided within the site.

It is considered that the proposed holiday unit accords with Policies DM01 and DM04 of the NDTLP.

5. Highways and Parking

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.

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 is severe.

The parking for the house remains as existing, which is to the front of the house.

A previous application, (planning reference 1/1019/2018/FUL), required improvements to the access as per Condition 6. This condition has been fully discharged.

As noted in the officer's Delegated Report for a later planning application, (which was approved), (planning reference 1/0960/2019/FUL), *'The Applicant has carried out the required improvements to the western junction onto the C461 in accordance with details approved under discharge of condition application 1/007/2019/DIS. These works have provided significant improvements to visibility in the eastern direction, i.e., to oncoming traffic. The Applicant has not, however, been able to make any improvements to visibility in the westerly direction due to this land not being within their ownership. The situation therefore remains that there is approximately 5 metres visibility to the west; the required visibility for a 60mph road is 215 metres. Whilst vehicles exiting in the westerly direction would not be turning directly into oncoming traffic, due to the straight alignment of the road, there is a reasonable possibility that a vehicle could be overtaking and therefore approaching the eastern junction on the near side. The Highway Officer has advised the Local Planning Authority to apply their Standing Advice; however, he has informally advised that the access options onto the C461 continue to pose significant highway safety concerns.'*

However, it is considered that the increase in vehicle movements from one holiday unit would not be significant enough to warrant refusal, and there have been improvements carried out to increase visibility in a westerly direction. It is also assumed that any visitors could be warned of the highway safety issues onto the C461.

Taking account of the above, the proposal is not considered to conflict with policies DM05, DM06 and Para 111 of the NPPF.

6. Drainage

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

In this case no advice was received from the statutory bodies. The onsite water management has been detailed on the plans, and the Local Authority's Environmental Protection team have been consulted on the foul drainage and have no objections to the drainage method.

The proposal accords with policies DM02 and DM04 of the Local Plan.

7. 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 ST14 of the NDTLP.

A Bat & Nesting Bird Survey (July 2022), has been submitted and states, *'The conversion of Garden Barn will result in the loss of a Lesser Horseshoe, Common Pipistrelle and Brown long-eared roost and therefore a licence will be required to permit the works to proceed lawfully.'*

'A Natural England Protected Species Licence will be required to permit the proposed conversion works to be undertaken. It shall become a condition of any planning permission or consent given that the licence shall be in place prior to works commencing.'

'Swallows are nesting within the lean-to section and it is recommended that continued provision is made for this species by erecting nest cups within any retained garage, storage or porch area.'

The conditions are applied, including that which is to achieve a net gain.

Conclusion

The proposed change of use and associated external changes is considered acceptable, in principle, contributing to sustainable social and economic growth with the district. Subject to appropriately worded conditions, it is not considered that the proposal will result in substantial harm to the landscape, heritage, neighbouring amenities, highway safety or protected species.

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

Reason: To ensure that the form and bulk of the rural building is not changed by inappropriate alteration and extension and in the interests of the character and appearance of the buildings setting and to protect the character and appearance of the landscape.

- 4 No external lighting other than that approved on the submitted plans shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing, by the Local Planning Authority. Any external lighting shall accord with the details so approved.

Reason: To protect the appearance of the area, to prevent light pollution to the dark skies, bat flyways, and to preserve the character of the surrounding landscape.

- 5 The building hereby approved shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the holiday accommodation is occupied in accordance with the justification for the development provided.

- 6 Notwithstanding the details shown in the application hereby permitted, prior to their installation, details (and/or representative samples) of the colour and texture of the facing and roofing materials to be used in the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented

before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development and to ensure the unit does not detract from the character of the host listed building.

7 No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

a) a copy of the Natural England European Protected Species Mitigation Licence authorising the development to go ahead; or

b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2011-2031. This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

8 Prior to the first use of the holiday unit hereby permitted, one swallow bird box, (as shown on drawing numbered 2112_P_08 Rev B), facing east, shall be installed and retained as such thereafter.

Reason: To provide a net gain in biodiversity in accordance with Policy ST14 of the adopted North Devon and Torridge Local Plan 2011-2031.

Plans Schedule

Reference	Received
2112_P_01 A (LOCATION PLAN)	27.07.2022
2112_P_05 B (BLOCK PLAN)	08.08.2022
2112_P_06 E (SITE PLAN)	10.08.2023
2112_P_07 D (FLOOR PLAN)	10.08.2023
2112_P_08 B (ELEVATIONS)	14.10.2022

Statement of Engagement

The National Planning Policy Framework (paragraph 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.