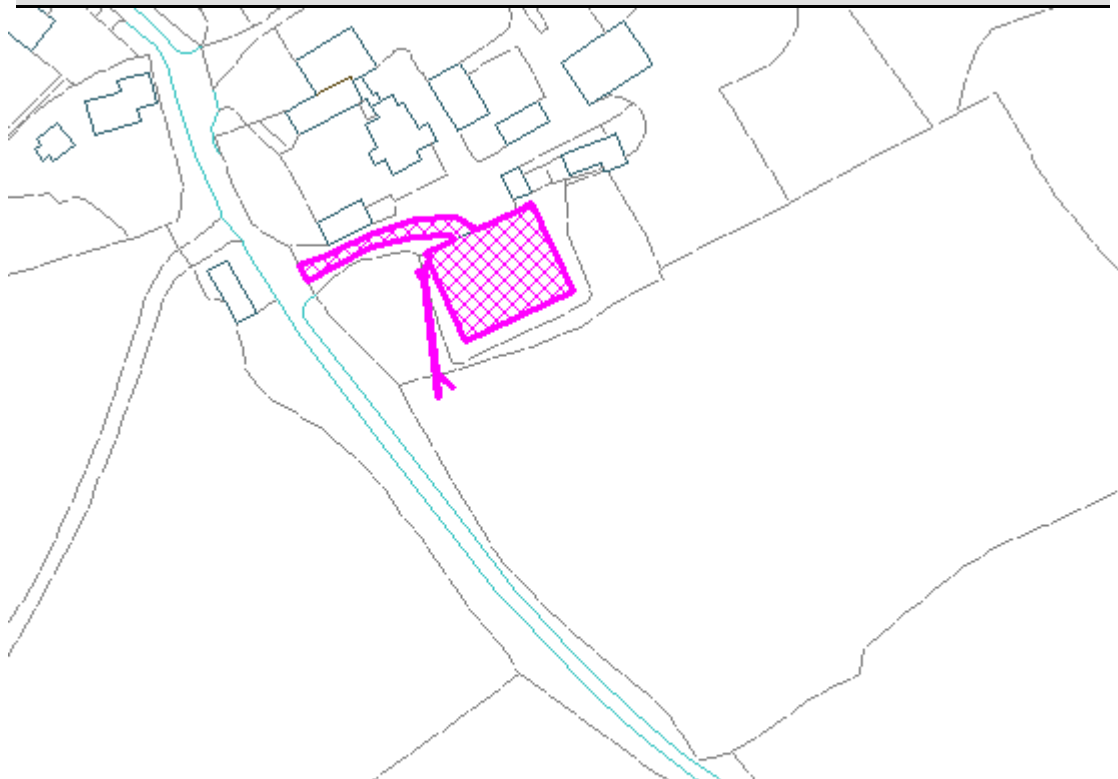


Committee Report – 11.07.24

Application Number:	1/0471/2024/FUL
Registration date:	21 May 2024
Expiry date:	16 July 2024
Applicant:	Mr S Gibson
Agent:	Drawfun Ltd
Case Officer:	James Clements
Site Address:	Agricultural Building At Grid Reference 239692 090081, Broadwoodwidge, Devon.
Proposal:	Retrospective change of use of an agricultural building from agriculture to a mixed use of agriculture, agricultural & domestic workshop, domestic storage including domestic garaging and farm & business office.
Recommendation:	Grant



Reason for referral:

The Applicant is a TDC councillor.

Relevant History:

Application No.	Description	Status	Closed
LB/0073/2017	Breaches to Listed Building Consent	XPE	02.03.2017
LB/0665/2017	Proposed replacement windows	XPE	21.11.2017
LB/0709/2017	Return to original appearance.	XPE	09.02.2018
1/1284/2017/FUL	Part retrospective application for retention of replacement slate roof covering and re-built gable chimney stack. Proposed replacement rainwater goods and reinstating of inglenook fireplace.	PER	02.08.2018
1/1285/2017/LBC	Regularisation of replacement slate roof covering and re-built gable chimney stack. Proposed replacement rainwater goods and reinstating of inglenook fireplace.	PER	02.08.2018
1/0189/2018/FUL	Proposed conversion of redundant agricultural buildings into 2no units of holiday accommodation (Barns 1 & 3)	WDN	18.06.2018
1/0190/2018/LBC	Proposed conversion of redundant agricultural buildings into 2no units of holiday accommodation (Barns 1 & 3)	WDN	18.06.2018
1/0191/2018/FUL	Proposed conversion of barn into residential dwelling (Barn No. 2)	WDN	18.06.2018
1/0192/2018/LBC	Proposed conversion of barn into residential dwelling (Barn No. 2)	WDN	18.06.2018
1/0315/2024/LBC	Removal of lean-to structure and replace with link to barn conversion for ancillary use	PCO	
1/0321/2024/FUL	Removal of lean-to elements and erection of a link structure for ancillary accommodation and carport	INVAL	26.04.2024

1/0461/2024/FUL

Conversion of building for ancillary accommodation with new link structure to existing farmhouse, and new detached carport

PCO

Site Description & Proposal

Site description:

Upcott Barton is a former agricultural holding and Grade II* farmhouse with associated historic barns.

This application specifically relates to an agricultural building located on the southern side of the farmyard and main access into the farm complex, which is a typical modern Atcost type agricultural building with central pitched roof with lean-to wings either side. The building measures approximately 29m in width, 23m in depth, 3.7m to eaves height and 7.7m to ridge height. The building is divided into three cells and is predominately single-storey but the central part of the building has a mezzanine floor measuring approximately 10 by 10m, used as a farm/business office.

The submitted floor plan identifies that the ground floor is used as follows:

Northern cell – agricultural workshop & mixed storage;
Central cell – agricultural and general storage;
Southern cell – agricultural workshop.

The western part of the building includes a WC.

The applicant reclad the building between 2020 and 2021 prior to bringing the building in to the present use. Windows were added during the recladding replacing unclad sections provided for ventilation, and sliding doors were installed on the front (west) elevation.

At the time of the officer site visit the groundfloor as a whole was being used in accordance with the description but not constrained to the uses in each cell as shown on the floor plan.

The area to the north of the building, as well as other areas around the farm access and farmyards, provide a significant area for the parking and turning of vehicles.

The site does not fall within a formal landscape or wildlife designation and is within flood zone 1.

This application has been submitted following a planning enforcement case identified that the building requires a change of use to a mixed use.

The uses now undertaken within the building include: agricultural storage, agricultural workshop, farm business office, general domestic storage including garaging and the holding of up to four meetings per year. These meetings relate to fund raising events for the local church with a maximum attendance of circa 50 attendees.

Proposed development:

This application seeks a retrospective change of use of an agricultural building from agriculture to a mixed use of agriculture, agricultural and domestic workshop, domestic storage including domestic garaging and farm and business office.

The applicant has confirmed that at groundfloor the uses described in the description are taking place throughout the building and are not confined to individual parts of the building.

Consultee representations:

Broadwoodwidge Parish Council:

The Parish Council support the application subject to the building itself complying with all required building and fire regulations in order to be used for public events.

Devon County Council (Highways):

Standing advice issued.

Environmental Protection Officer:

The Environmental Protection Team has no objections to the proposed development in principle. The proposed development is to be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure the provision has sufficient capacity to accommodate any additional loading.

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		

None received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM14 (Rural Economy); DM27 (Re-use of Rural Buildings).

Government Guidance:

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

Planning Considerations

The following considerations are pertinent to the proposed development:

1. Principle of development
2. Character, appearance and setting of heritage assets
3. Highway matters
4. Residential amenity
5. Drainage and flood risk
6. Ecology and biodiversity net-gain
7. Other matters

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 site is located in the countryside. Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) 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 application doesn't easily fit into any of the NDTLP policies but the closest are considered to be DM14 (Rural economy) and DM27.

Policy DM27: Re-use of Disused and Redundant Rural Buildings states:

'The conversion of redundant and disused rural buildings will be supported 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 rural 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.'*

Policy DM14: Rural Economy states:

'To support the rural economy, new small scale economic development at Rural Settlements and in the Countryside will be supported on the following basis:

- (a) change of use or conversion of a permanent and soundly constructed building; or*
- (b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or*
- (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity; provided that:*
- (d) there is no adverse impact on the living conditions of local residents;*
- (e) the scale of employment is appropriate to the accessibility of the site and the standard of the local highway network; and*
- (f) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape or historic assets and their settings and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels.'*

The planning statement states that NDTLP Policy DM27 is not relevant because the agricultural use was still active. However, whilst Upcott Barton does have associated agricultural land, it was not evident that the barn is being used in any meaningful way for agricultural purposes. It would appear that the building is being primarily used for domestic purposes ancillary to Upcott Barton as a residential property. Indeed, over the last few years, many of the other modern agricultural buildings have been removed or are now disused, the slurry pit has been filled in and the other traditional buildings are used for purposes associated with the main dwelling. Therefore, it can be argued that the previous agricultural farm business and use has ceased and that Policy DM27 is of relevance.

The principle of development is therefore considered to be acceptable subject to full compliance with Policy DM27, the elements of which are considered under the relevant headings below.

2. Character, appearance and the setting of heritage assets:

The NDTLP encourages good design, which is reflected within national policy. Policy ST04 notes: *"Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs 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 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

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

The NPPF supports the creation of high quality, beautiful and sustainable buildings and places, which is fundamental to what the planning and development process should achieve. This is outlined through Part 12 (Achieving well designed and beautiful places), which lists 6 design principles to ensure that developments achieve well designed places.

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

Policies ST15 and DM07 seek to protect the setting of heritage assets.

The application is primarily for a change of use of the building. The only operational development relates to windows which were added during the recladding, replacing unclad sections provided for ventilation, and sliding doors were installed on the front (west) elevation. These relatively minor changes would not harm the character of this utilitarian building with the renovation of the building generally having a positive impact on the immediate setting of the listed building.

In the context of the site, which is screened for public views by other buildings and vegetation, with limited intervisibility with the grade II* listed farmhouse, these minor domesticating changes are considered to be acceptable both in terms of landscape impacts and the setting of the listed building.

The proposal is therefore considered to be in accordance with Policies ST04, DM04, ST15, DM07, DM08A & DM27(a), (b) & (c).

3.Highway matters:

NDTLP Policy DM05 seeks to ensure that development maintains safe and well-designed access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. In addition, it seeks to 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 aims to ensure that an appropriate scale and range of parking provision is delivered and that sustainable modes of transport are encouraged. Part (d) of Policy DM27 requires that suitable highway access can be provided, and that the surrounding highway network can support the proposed use.

The existing vehicular access to the site from the public highway to the west will continue to be used to serve the barn. There is ample parking and turning available adjacent to the site. Taking account of the previous agricultural use as part of a working farm, the proposed use of the building in association with the main dwelling is not likely to generate an increase in traffic. The proposed community events, whilst likely to generate an increase in traffic movements, would be limited to a four times year and as such there is no demonstrable harm to highway safety.

The proposal is considered to be in accordance with Policies ST10, DM05, DM06 and DM27(d).

4.Residential Amenity:

Policy DM01 of the NDTLP seeks to ensure the protection of the amenities of the neighbouring occupiers of the site, as well as future occupiers of the development.

The building is existing and the uses compatible in a residential setting. The nearest third-party dwelling is located some 75m to the northwest of the site with no intervisibility, separated by existing buildings and vegetation, which ensures that there is no harm to residential amenities.

5. Drainage and Flood Risk

Policy DM02 of the NDTLP aims to protect ground water from any forms of pollution, whilst Policy ST03 seeks to ensure that flood risk is not exacerbated by development.

The site is located within Flood Zone 1. There are no changes proposed to the existing surface water drainage (soakaway) therefore there are no concerns in this regard.

The toilet within the barn is connected to an existing septic tank to the southwest of the site. The Environmental Protection Team have stated:

'The Environmental Protection Team has no objections to the proposed development in principle. The proposed development is to be served by an existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure the provision has sufficient capacity to accommodate any additional loading.'

It is considered that the development is in accordance with Policies ST03 and DM02 of the NDTLP.

6. Ecology and Biodiversity Net-Gain

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. Part (e) of Policy DM27 requires that any nature conservation interest within the building or wider site is retained.

Policy ST14 aims to deliver biodiversity enhancement.

A wildlife trigger list has been submitted which confirms that as the site falls under 0.1ha, and given the nature of the proposal, that a wildlife report is not required.

The development is exempt from mandatory biodiversity net-gain because the change of use would fall below the de minimis threshold as no habitat would be affected.

It is concluded that the proposal accords with policies ST14, DM08 and DM27(e) as well as the other legislation referred to above.

7. Other matters

The Parish Council have no objections subject to the barn complying with all building and fire safety requirements for the hosting community events. This point is noted, however, as this relates to legislation separate to the planning system, this is a matter for the applicant to ensure compliance.

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 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.

- 2 The uses hereby approved for the barn are: agriculture, agricultural & domestic workshop, domestic storage including domestic garaging and farm & business office. The building shall be used for a maximum of 4 fund raising events per annum.

Reason: For the avoidance of doubt to define the permission.

- 3 The development hereby approved shall only be used ancillary to Upcott Barton.

Reason: For the avoidance of doubt, to protect the setting of the heritage assets and in the interests of highway safety.

Informatives

01. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

4. The permission which has been granted is for development which is exempt being:

- 4.1 Development below the de minimis threshold, meaning development which:

does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990:

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions

previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Plans Schedule

Reference	Received
G002 24 300 A	21.05.2024
PW1	21.05.2024

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 positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.