



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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22 January 2021

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held via Microsoft Teams Video Conferencing software on **Tuesday 2 February 2021 at 10.00am.**

The meeting will be open to the press and public subject to the passing of any resolution under s.100(A)(4) of the Local Government Act 1972.

There is Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each to ask questions, make statements, or present a petition relating to any item relevant to the business of the Authority or relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer as soon as possible, or at the latest by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact Judy Coles on 01398 322250 or email jcoles@exmoor-nationalpark.gov.uk).

Please be aware that this is a public Authority Meeting and will be **audio and video recorded**. We will make the recordings available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson so that those present may be made aware.

(The agenda and papers for this meeting can be downloaded from the National Park Authority's website www.exmoor-nationalpark.gov.uk).

Sarah Bryan
Chief Executive

AGENDA

The first section of the meeting will be chaired by Mr R Milton, the Chairperson of the Authority. If the Chairperson is absent, the Deputy Chairperson shall preside.

1. Apologies for Absence

2. Declarations of Interest/Lobbying of Members/Unaccompanied Site Visits

Members are asked to declare:-

- (1) any interests they may have in relation to items on the agenda for this meeting;
- (2) any lobbying by anyone concerned with a planning application and any unaccompanied site visits where contact has been made with any person concerned with a planning application.

(NB. When verbally making these declarations, members are also asked to complete the Disclosures at Meetings form – attached for members only).

3. Chairperson's Announcements

4. **Minutes** (1) To approve as a correct record the Minutes of the meeting of the Authority held on 12 January 2021 (Item 4).

- (2) To consider any Matters Arising from those Minutes.

5. **Public Speaking:** The Chairperson will allow members of the public to ask questions, make statements, or present a petition. Questions of a general nature relevant to the business of the Authority can be asked under this agenda item. Any questions specific to an agenda item can be posed when that item is considered subject to the discretion of the person presiding at the meeting.

Agenda items relating to the Authority's role as sole local planning authority for the National Park area including determination of planning applications. This section of the meeting will be chaired by Mr S Pugsley (Deputy Chairperson (Planning)). If the Deputy Chairperson (Planning) is absent, the Deputy Chairperson of the Authority shall be preside.

6. **Appeals:** To note the decision of the Secretary of State for Housing, Communities and Local Government to dismiss Appeals A and B and uphold the Enforcement Notice – Middle Dean Farm, Dean, trentishoe, Devon EX31 4PY

7. **Development Management:** To consider the report of the Head of Planning and Sustainable Development on the following:-

Agenda Item	Application No.	Description	Page Nos.
7.1	6/3/20/119	Proposed construction of replacement dwelling following demolition of existing dwelling and outbuildings (re-submission of refused planning application ref. 6/3/20/101) – Springhayes, Exton, Dulverton, TA22 9LD	1 – 26
7.2	62/11/20/014	Advertisement consent for the proposed installation of 5 no. car park and information signage – County Gate, Countisbury, Lynton, EX35 6NQ	27 - 36
7.3	WTPO 20/07	Works to Trees subject to Tree Preservation Order: Felling 434 common ash (<i>Fraxinus excelsior</i>) affected by ash die back (<i>Hymenoscyphus fraxineus</i>) based on detail survey by Devon Tree Services. Works will be phased over 2 years as trees decline beyond a safe threshold – Hawkcombe Wood, Porlock, Somerset	37 - 41

8. **Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 8).
 9. **Site Visits:** To arrange any site visits agreed by the Committee (the reserve date being Friday 26 February 2021 (am)).
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The remaining section of the meeting will be chaired by Mr R Milton, Chairperson of the Authority. If the Chairperson is absent, the Deputy Chairperson of the Authority shall preside.

10. **Exmoor Consultative & Parish Forum:** To receive and note the meeting notes from the Exmoor Consultative and Parish Forum held on 12 November 2020. (Item 10).

11. **Personnel Update**

Starters:

01/02/2021 - Debbie Ebsary - Assistant Ranger

Leavers:

19/02/2021 – Pamela Morris – Senior Landscape Officer - Resignation

28/02/2021 – Dave Gurnett – Learning and Outreach Officer – Voluntary Redundancy

12. **Any Other Business of Urgency**

Further information on any of the reports can be obtained by contacting the National Park Authority at the address and telephone numbers at the top of the agenda. Details of the decisions taken at this meeting will be set out in the formal Minutes which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions can be obtained from Judy Coles, Corporate Support Officer, at Exmoor House.

ITEM 4

EXMOOR NATIONAL PARK AUTHORITY

MINUTES of the Meeting of the Exmoor National Park Authority held on Tuesday, 12 January 2021 at 10.00am via Microsoft Teams Video Conferencing software.

PRESENT

Mr R Milton (Chairperson)
Miss A V Davis (Deputy Chairperson)
Mr S J Pugsley (Deputy Chairperson (Planning))

Mrs L Blanchard	Mrs F Nicholson
Mr R Edgell	Mr J Patrinos
Mr M Ellicott	Mr P Pilkington
Mr D Elson	Mrs E Stacey
Mr J Holtom	Mr N Thwaites
Mr J Hunt	Dr S Warren
Mrs C M Lawrence	Mrs P Webber
Mr E Ley	Mr V White

Apologies for absence were received from Dr M Kelly, Mr M Kravis, Mr B Revans

238. DECLARATIONS OF INTEREST:

- In relation to Item 7.1 – Application No. 6/8/20/109 – Proposed extension of existing dwelling to provide a home office and utility room together with associated works – Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL, Mr V White declared a personal interest as a member of Cutcombe Parish Council, which had discussed the application at some length. In the interests of public perception, Mr White indicated he would leave the meeting when this item was discussed.
- In relation Item 7.2 - Application No. 6/8/20/110LB – Listed building consent for the extension of existing dwelling to provide a home office and utility room together with associated works - Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL, Mr V White declared a personal interest as a member of Cutcombe Parish Council, which had discussed the application at some length. In the interests of public perception, Mr White indicated he would leave the meeting when this item was discussed.
- In relation to Item 7.3 – Application No. GDO 20/11 - Prior notification for proposed replacement agricultural building (18.60m x 16m) for general purpose and storage use - Higher Bodley Farm, Parracombe, Barnstaple, EX31 4QN, Mr J Holtom advised that he had declared an interest at the time the application was submitted, which was the reason it comes before the Committee. Due to a change of circumstance that interest is no longer applicable, however in the interests of public perception Mr Holtom indicated he would not take part in the debate nor vote on this application.

239. CHAIRPERSON'S ANNOUNCEMENTS:

- Members of the public could watch a livestream of the meeting via a link on the Meeting Agendas and Reports page of the Authority's website. A recording of the meeting would also be uploaded to the website within 72 hours of the meetings conclusion.

- The Chairperson provided an update on what steps the Authority had taken to comply with the latest national Covid-19 lockdown restrictions. Information for the general public, including about local exercise, is available on the Authority's website.

240. MINUTES

- Confirmation:** The **Minutes** of the Authority's meeting held on 1 December 2020 were agreed and signed as a correct record.
- Matters arising:** There were no matters arising.

241. PUBLIC SPEAKING: See Minute 244 for details of public speakers.

Items relating to the Authority's role as sole local planning authority for the National Park area including determination of planning applications. This section of the meeting was chaired by Mr S J Pugsley, Deputy Chairperson (Planning).

APPEALS

242. The Committee noted the decisions of the Secretary of State for Housing, Communities and Local Government as follows:

- To dismiss the **Appeal** in relation to Application 6/12/19/101 – Pikes Farm, Bungalow, Elworthy to Elworthy Cross, Elworthy.
- To dismiss part of the **Appeal** and allow part of the Appeal in relation to Application 6/34/20/102 – Combe House, Jubilee Terrace, Timberscombe.
- To dismiss the **Appeal** in relation to Application 6/27/20/105 – The Culbone, Porlock to Lynton Road, Porlock.

Mr R Milton left the meeting.

DEVELOPMENT MANAGEMENT

243. ORDER OF BUSINESS: The Deputy Chairperson (Planning) directed that as they related to development at the same application site, Planning Application No. 6/8/20/109 – Proposed extension of existing dwelling to provide a home office and utility room together with associated works – Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL and Planning Application No. 6/8/20/110LB – Listed building consent for the extension of existing dwelling to provide a home office and utility room together with associated works - Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL, would be considered together. However it was confirmed that the Authority Committee must determine each application separately on the basis of its individual merits.

Before the officer presentation Mr V White left the meeting.

244. Application No. 6/8/20/109

Location: Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL

Proposal: Proposed extension of existing dwelling to provide a home office and utility room together with associated works

The Authority considered the **report** of the Head of Planning and Sustainable Development.

Public Speaking:

(1) Mr M Sanders, Applicant

RESOLVED: To refuse planning permission for the reasons set out in the report.

245. Application No. 6/8/20/110LB

Location: Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, Somerset, TA24 7EL

Proposal: Listed building consent for the extension of existing dwelling to provide a home office and utility room together with associated works

The Authority considered the **report** of the Head of Planning and Sustainable Development.

RESOLVED: To refuse listed building consent for the reasons set out in the report.

After the vote, Mr V White returned to the meeting.

The meeting closed for recess at 11.41am and reconvened at 11.50am

246. Application No. GDO 20/11

Location: Higher Bodley Farm, Parracombe, Barnstaple, EX31 4QN

Proposal: Prior notification for proposed replacement agricultural building (18.60m x 16m) for general purpose and storage use

The Authority considered the **report** of the Head of Planning and Sustainable Development.

RESOLVED: To confirm that prior approval is not required.

Mrs L Blanchard, did not vote on Agenda Item 7.3 above, as she was not present for the duration of the item.

247. Application No. 6/9/20/117

Location: Exmoor House, Dulverton, Somerset, TA22 9HL

Proposal: Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the proposed installation of 5 electric vehicle charging points

The Authority considered the **report** of the Head of Planning and Sustainable Development.

RESOLVED: To grant planning permission subject to the conditions set out in the report.

248. APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE: The Authority noted the **decisions of the Chief Executive determined under delegated powers**.

249. SITE VISITS: There were no site visits to arrange.

12 January 2021

The remaining section of the meeting was chaired by Miss A V Davis, Deputy Chairperson of the Authority.

250. FINAL ACCOUNTS COMMITTEE AND AUDIT FINDINGS REPORT

- (1) The Authority received and noted the draft minutes of the Final Accounts Committee meeting held on 6 October 2020.
- (2) The Authority received and noted the [Audit Findings Report](#) for the year ended 31 March 2020.

251. DEFRA GAMEBIRD RELEASE LICENCE

The Authority considered the [report](#) of the Head of Conservation and Access.

RESOLVED: To delegate authority to the Chief Executive to respond to the DEFRA consultation.

252. PERSONNEL UPDATE: The Authority noted the recent staff changes as set out on the agenda.

253. ANY OTHER BUSINESS OF URGENCY: There was none

The meeting closed at 12.35pm

(Chairperson)



Appeal Decisions

Site visit made on 7 December 2020

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal A: APP/F9498/C/20/3255394

Appeal B: APP/F9498/C/20/3255395

Land at The Dairy, Middle Dean Farm, Trentishoe EX31 4PY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Virginia Kingshotte (Appeal A) and Mr Alex Kingshotte (Appeal B) against an enforcement notice issued by Exmoor National Park Authority.
- The enforcement notice was issued on 1 June 2020.
- The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years, the erection of a dwellinghouse on the Land.
- The requirements of the notice are: a. Permanently cease the use of the Building as a dwellinghouse. B. Permanently remove the Building from the Land.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decisions

Appeals A and B

1. The appeals are dismissed and the enforcement notice upheld.

The ground (b) appeal

2. For the ground (b) appeal to succeed the onus is on the appellants to demonstrate, on the balance of probabilities, that the alleged breach of planning control, namely the erection of a dwellinghouse, has not occurred as a matter of fact at the time the enforcement notice was issued.
3. To this effect the appellants assert that the building that has been erected comprises an annexe to the dwelling known as 'The Dairy' and so is not a dwelling. It is also said that the relationship *'is such that use as an independent dwelling would be impractical and undesirable'*.
4. These assertions however do not amount to evidence to demonstrate on the balance of probabilities that the alleged breach of planning control has not occurred as a matter of fact. It is thus a statement of what might be felt to be desirable, as opposed evidence as to why the building had actually been constructed and then how it was used and occupied. For the same reasons, that services are also said to be shared and a planning application was made to

retain the building as ancillary accommodation does not demonstrate the appellants case on the balance of probabilities.

5. The Council has also provided some evidence that The Dairy has been let as self-catering holiday accommodation. That being the case, it casts further doubt in my mind as to how the appeal building would have been ancillary to such occupation.
6. The Council also state that the building contains an open plan kitchen and living area, bedroom and bathroom. This is not disputed by the appellants. A fenced garden area has also been created which demonstrates a further degree of separation from The Dairy.
7. The appellant's state that the specific relationship between family members is not known to the Council. However, the onus rests with the appellants to provide such evidence, and there remains very little before me to demonstrate on the balance of probabilities that there is not physical and functional separation between the appeal building and The Dairy.
8. I accept that the payment of Council Tax does not automatically equate to the use of a building as a dwelling. Nevertheless, the evidential onus lies with the appellants and there is very little evidence before me to demonstrate on the balance of probabilities that the alleged breach of planning control has not occurred as a matter of fact. The appellants have therefore not discharged the necessary burden of proof.
9. The appeal on ground (b) accordingly fails.

The ground (a) appeal (Appeal A)

Main Issues

10. The main issues are:
 - i. whether or not the site is in a suitable location for a dwellinghouse having regard to local and national planning policy; and,
 - ii. the effect of the building on the character and appearance of the area, having particular regard to construction materials.

Reasons

11. The site is located within rural surroundings although there is a nucleus of built development surrounding it. The building attacked by the notice is located in close proximity of an agricultural building and to the rear of other residential properties. It is finished in timber cladding, under a fibre cement roof with uPVC windows.
12. The deemed planning application before me relates to the retention of the dwellinghouse that has been erected.

Location

13. For the purposes of the Exmoor National Park Local Plan 2011-2031, adopted July 2017 (the LP), the site is located in the open countryside as it is not within a named settlement. Policy GP3 of the LP sets out the spatial strategy for the National Park and thereby states that the focus of new build development will be on improving the sustainability of rural land-based businesses. Policy GP1 of

- the LP is concerned with achieving National Park purposes and sustainable development. Taken as a whole, the Council's approach to residential development within the National Park is broadly consistent with the housing approach set out in the National Planning Policy Framework (the Framework).
14. In order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality and sustainability of rural communities. However, the site is not well related to a named settlement and is therefore remote from many day-to-day services and facilities. Occupiers are also heavily reliant upon a private car as the nearby roads are single-track and unlit. There is also little evidence about employment opportunities that could be accessed without being reliant upon a private car. It is therefore not a location where a new dwelling would normally be considered acceptable and is a significant factor weighing against its retention.
 15. Policy HC-S1 of the LP sets out that the purpose of housing development will be to address the housing needs of local communities; the principle community identified need is for affordable housing with local occupancy ties. Policy HC-S2 is then concerned with a balanced housing stock. However, it is not suggested by the appellant that the dwelling is intended to meet with the definition of affordable housing¹, and I note there is no mechanism before me to secure this even if that were the case.
 16. It is also not contended by the appellant that the dwelling is required for a rural worker and therefore the provisions of policy HC-D8 of the LP are not engaged.
 17. Accordingly, the site is located in the open countryside where the provision of new dwellings is restricted. Moreover, it is in particularly rural surroundings. Whilst I appreciate that there is a tourism related use at the site, there is very little evidence that this then relates to a land-based business, and so it does not justify the retention of a new dwelling in this location.
 18. I conclude that the site is not in a suitable location for a dwellinghouse having regard to local and national planning policy. The dwelling therefore conflicts with Policies GP1, GP3, HC-S1, HC-S2 and HC-D8 of the LP as well as the Framework, which, in particular, seeks to locate new residential development in the most accessible and sustainable locations. This is a matter to which I attach substantial weight.

Character and appearance

19. The building is well screened from public views owing to its location. Whilst the building is generally of makeshift appearance for a dwelling, the Council only take exception to the use of the fibre cement roof material and use of uPVC windows and doors.
20. However, the local context is of a building sited in close proximity of a large steel portal framed agricultural building. The appeal building has a flat or very shallow pitched roof and therefore the materials used cannot be readily seen from ground level or other public vantage points. Whilst the windows and doors are of uPVC construction, they are dark grey in colour which significantly reduces their prominence and perception within the elevations of the building. On-balance, the use of such construction materials is not incongruent.

¹ As defined in the Glossary to the Framework

21. I conclude the building is not harmful to the character and appearance of the area, having particular regard to construction materials, and therefore accords with Policy CE-S6 of the LP. This policy, amongst other things, requires development to complement the local context. This is however a matter to which I attach limited weight.

Other matters

22. The deemed planning application relates to a dwellinghouse, not ancillary accommodation. I do however note that a planning application has been refused and it is said that this will be appealed. Any such appeal is however not before me. As ancillary accommodation represents a materially different scheme to that of the deemed planning application, I therefore cannot consider such a proposal further.

23. I have very little evidence concerning the appellant's personal circumstances and therefore why a temporary permission, suggested for a period of some 5 years, would be appropriate or reasonable in order to find a long-term solution or to assist with their financial position. I therefore afford this contention little weight.

24. It might be the case that a mobile home could be stationed in the curtilage of a dwellinghouse for ancillary purposes, without the need for planning permission. Such a proposition however does not persuade me to grant planning permission to retain the dwelling that has been erected, even though the appellant considers it to be a close substitute.

Planning balance

25. The Government is seeking to significantly boost the supply of housing and the development makes a contribution, albeit very modest, to this supply. However, the development of a single dwelling would bring only very limited benefits to the economic and social well-being of the wider community.

26. I have found that the dwelling is not in a suitable location which is a harm that attracts substantial weight. Whilst I have some sympathy for the appellants and have found that the building itself to not be harmful to the character and appearance of the area, this does not outweigh the harm I have identified.

Conclusion

27. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) fails.

The ground (f) appeal

28. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellants to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose lesser alternatives steps.

29. No lesser alternative steps have been proposed by the appellants. Rather, the prospect of retaining the building subject to planning conditions has again been suggested. However, I have already considered the suggested planning conditions, where it is appropriate to do so, under the ground (a) appeal.

30. As no alternative lesser steps are before me to remedy the breach of planning control, namely the erection of a dwellinghouse, the appeal on ground (f) must fail.

Overall Conclusion

31. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decisions

Appeals A and B

32. The appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR

7.1



Committee Report

Application Number:	6/3/20/119
Registration Date:	29-Sep-2020
Determination Date:	16-Nov-2020
Applicant	Mr & Mrs S Gammon
Agent:	Mr. B Brian Dinnis, Acorn Rural Property Consultants
Case Officer:	Kieran Reeves
Site Address:	Springhayes, Exton, Dulverton, TA22 9LD
Proposal:	Proposed construction of replacement dwelling following demolition of existing dwelling and outbuildings (re-submission of refused planning application ref 6/3/20/101).
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	The Head of Planning has called this application to Committee due to a previous scheme being considered and refused in July 2020 by Members (ref. 6/3/20/101) and it would be appropriate for Members to have the opportunity to consider the revised scheme submitted through this current planning application.

Relevant History

6/3/20/101 – Proposed demolition of existing dwelling and construction of replacement dwelling – Refused on 7th July 2020

6/3/19/105 – Certificate of Lawfulness for erection of extensions to dwelling and double garage in accordance with planning permission 6/3/98/107 – Approved on 22nd May 2019

6/3/10/101 – Renewal of planning permission 6/3/04/124 (erection of replacement two storey dwelling following demolition of existing bungalow) – Approved on 26th May 2010

6/3/04/124 – Proposed erection of replacement two storey dwelling following demolition of existing bungalow – Approved on 12th January 2005

6/3/03/115 – Erection of two storey dwelling following demolition of existing bungalow – Withdrawn on 19th December 2003

6/3/98/107 – Proposed extensions to dwelling. Demolition of existing garage and erection of double garage and erection of barn – Approved on 10th June 1998

7.1

Site Description & Proposal

Planning permission is sought for the demolition of an existing dwelling at Springhayes (formally known as Springfield Farm) and the erection of a replacement dwelling. The existing dwelling is a single storey dwelling that is finished in render and is located on the southern side of Armoor Lane, opposite Higher Weekfield Farm. To the rear of the dwelling is an attached garden room with a polycarbonate roof. The nearest residential property is the farmhouse at Higher Weekfield Farm.

Planning permission was granted in 1998 under application reference 6/3/98/107 for the erection of extensions to the dwelling and the erection of a new garage and a barn. The barn has been constructed and a certificate of lawfulness application was granted in 2019 under application reference 6/3/19/105, which formally confirms that this 1998 planning permission is still extant.

The proposed replacement dwelling would be single storey across the gently sloping site, creating an internal level change between the northern section of the dwelling and the southern section. The exterior of the dwelling would be finished in a mixture of painted render, natural stone and natural timber. The roof would be clad in natural slate and solar panels and rooflights would be incorporated within the roofslopes. The proposed dwelling would have a similar floorspace to the floorspace of the existing dwelling if the 1998 extensions were constructed. The proposed dwelling would have an attached garage.

The applicants are proposing powder coated aluminium windows and doors for the replacement dwelling, but Officers have considered that timber windows and doors would be more appropriate and policy compliant than the applicants' proposal. This is discussed in detail within the main body of this Committee report.

Officers would like Members to note that the application was originally submitted with a scheme that is broadly similar to the previously refused application with some minor alterations. Following discussions with Officers, a revised scheme has been submitted that has seen a complete re-design of the proposed replacement dwelling.

Consultee Representations

Brompton Regis Parish Council – Consultation response on original submission – No objections to this application.

Consultation response following re-design – No comment to make on the amended information circulated.

Exton Parish Council – Consultation response on original submission – Support the application.

7.1

Consultation response following re-design – Exton Parish Council has previously supported this Application. The Council has noted the request to have aluminium windows rather than wooden. The Parish Council wishes to support this request on the following grounds:

- more in keeping with the overall design, the proposed buiding will improve the current public visual amenity
- better fitting so conserving and reducing energy
- will not be visible from the highway
- does not require regular maintenance
- ultimately recyclable
- in the climate of Exmoor wood does not last and requires annual maintenance and soon ceases to provide an air-tight seal with the fabric of the building resulting in higher energy usage to maintain an equable temperature.

SCC Highway Authority – Standing advice applies

ENPA Wildlife Officer – The new proposal appears to have the same level of impacts on the habitats and species associated with the site, therefore my previous consultation response is still valid. Copied here for ease of reference:

Richard Green Ecology carried out a bat and bird survey of the building at Springfield, Armour Lane, Exton, Dulverton, Somerset, TA22 9LD on the 29th May 2020, followed by a bat emergence survey of the building in June 2019. The results of the surveys were as follows:

- No evidence of bat use was found during the preliminary survey or during the bat emergence survey. The building was initially considered of low suitability to support roosting bats. In accordance with bat survey guidelines (Collins, 2016) one bat emergence survey of the building was undertaken to give confidence in a negative assessment of bat use.
- The remains of an old bird's nest were found in a damaged soffit on the west elevation of the bungalow.

Recommendations

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain , please attach the following conditions to the planning permission if granted.

Bats

Due to the opportunistic behaviour of some bats species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

7.1

-
- The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Bats and lighting

Due to the presence of the foraging and commuting habitats for bats, artificial lighting of the trees or boundary vegetation will be restricted. Therefore, if external lighting is proposed please attach the following condition:

- Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with SENPA Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

Birds

- No removal of any areas of hedgerows, trees or shrubs around the site, and the demolition of the building shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with ENPA Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

7.1

Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

- The following will be integrated into the design of the buildings and site plans:
 - a) A Habitat 001 bat box, or similar, will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation.
 - b) A cluster of two Schwegler 1a swift bricks, or similar, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of the new dwelling.
 - c) Installation of 1 x bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the new dwelling or garage.
 - d) All new shrubs to include high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to occupation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Provided the above conditions are applied as worded, I have no objection to this application.

South West Water – No objection

Wessex Water – Wessex Water has no comments to make. Our records indicate the surrounding properties are on a private water supply. The waste water service provider for this area is South West Water.

Representations

One public representation has been received in relation to this application that supports the planning application. They comment that “the proposed dwelling will enhance the appearance of the applicants’ property and will be a big improvement on the existing dwelling and the extensions previously approved by the planning authority

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to enlarge it". They have expressed that they cannot believe that the previous application was refused.

Policy Context

Exmoor National Park Local Plan 2011 – 2031

GP1 – General Policy: Achieving National Park Purposes and Sustainable Development

CE-S1 – Landscape and Seascape Character

CE-D1 – Protecting Exmoor's Landscapes and Seascapes

CE-S2 – Protecting Exmoor's Dark Night Sky

CE-S3 – Biodiversity and Green Infrastructure

CE-S6 – Design and Sustainable Construction Principles

CC-S1 – Climate Change Mitigation and Adaptation

CC-S6 – Waste Management

CC-D5 – Sewerage Capacity and Sewage Disposal

HC-D15 – Residential Extensions

HC-D17 – Replacement Dwelling

RT-D12 – Access Land and Rights of Way

AC-D2 – Traffic and Road Safety Considerations for Development.

AC-S3 – Traffic Management and Parking

AC-D3 – Parking Provision and Standards

The National Planning Policy Framework (NPPF) is also a material planning consideration.

Planning Considerations

The main material planning considerations in this case are the principle of development, the design, scale and materials, and the impact on the landscape, neighbouring amenity, biodiversity and highway safety.

Principle of Development

The application is for the erection of a replacement dwelling. Policy HC-D17 of the Exmoor National Park Local Plan 2011 – 2031 states that proposals for the erection of a replacement dwelling will be permitted where the existing dwelling:

- is not listed or considered to be of historic or architectural importance worthy of conservation;
- has an adverse impact on the character and visual amenity of the area; and
- the residential use has not been abandoned.

The existing dwelling was constructed in the early part of the 20th Century. As an unremarkable bungalow that does not appear on the 1st or 2nd Edition Ordnance Survey maps, the existing dwelling is considered to have limited historic or architectural merit that would warrant its retention. It is considered that a replacement

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dwelling could be erected in place of the existing dwelling that would relate better to its surroundings and the local vernacular and would provide a more energy efficient building that would benefit the environment. The existing bungalow does have some architectural relation to other single storey residential buildings in the wider area but it is considered that there is potential for a replacement dwelling to be provided with positive impact on the visual amenity of the locality.

The property is understood to have been unoccupied for approximately over a year, but this period of non-occupancy is not considered to constitute abandonment of the existing dwelling when taking into account the four tests for abandonment established in *Trustees of Castell-y-Mynach Estate v Taff-Ely BC, [1985] JPL 40*.

Taking the above into account, it is considered that the proposed replacement of the existing dwelling is acceptable and policy compliant in principle, subject to other material planning considerations being satisfied.

Siting of Replacement Dwelling

Policy HC-D17 states that the replacement dwelling should be sited on or close to the footprint of the existing dwelling, unless alternative siting would provide benefits for landscape, wildlife or cultural heritage.

The replacement dwelling would be sited in the same position within the site as the existing dwelling, which is acceptable in principle, in accordance with Policy HC-D17.

Design, Scale and Materials of Replacement Dwelling & Impact on Landscape

Policy HC-D17 states that the replacement dwelling should accord with the design and sustainable construction requirements of Policy CE-S6. The policy also states that the replacement dwelling should be no larger in size than the original dwelling or 93 square metres gross internal area, whichever is the larger, and that it should reflect the massing and scale of the original dwelling.

The policy conflict that arises from the proposed development is that the replacement dwelling (not including attached garage) would have a floorspace that is approximately 54% larger than the existing dwelling, which is approximately 130 square metres. As such, the application does not comply with the size requirements of Policy HC-D17.

The construction of a replacement dwelling that has a floorspace that is larger than the dwelling it would replace is contrary to Policy HC-D17 of the adopted development plan. However, Officers consider that the proposed development is not a departure from the development plan as it is a matter of detail that is the issue and not the principle of the proposed development as a whole. As such, the application has not been advertised in accordance with Article 15(2)(b) of the Town and Country Planning (Development Management Procedure) Order 2015.

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The applicant has asserted that the Local Planning Authority should deviate from the requirements of the Policy HC-D17 on this particular matter as a planning application for extensions to the dwelling (ref. 6/3/98/107), which was granted in June 1998, forms a material fallback position.

It is noted that Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in dealing with such an application the authority shall have regard to –

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

It is also noted that Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

As mentioned above, planning permission was granted on 10th June 1998 for the erection of extensions that would exceed the 35% floorspace allowance permitted by the current residential extensions planning policy, Policy HC-D15 of the Local Plan. This planning permission was due to expire on 9th June 2003. However, a certificate of lawfulness was granted on 22nd May 2019, under application reference 6/3/19/105, which confirmed that the permission has been lawfully commenced through the erection of the barn that formed part of the application proposal. As such, the historic planning permission for the erection of extensions to the dwelling is extant and forms a material planning consideration. The question is whether the planning permission forms a material fallback or not.

The following four court cases are considered to be relevant to determining whether or not the historic planning permission for the extension of the existing dwelling forms a material fallback or not.

In *Simpson v SoS 18/2/2011* it was found that a challenge on the basis that an inspector was in error in failing to take account of a fallback had to fail as there was nothing to show that the two elements of a fallback case were established so as to oblige the inspector to take it into account. There was no material before the inspector that made it necessary, or even possible, for him to consider a fallback position as a factor that might favour planning permission.

In *Coln Park LLP v SoS [2011]* it was found that although an appellant had not expressly referred to a fallback position, it was perhaps implicit that a permission might have to be implemented. The appellant had not raised the fallback position because it had only recently acquired land and negotiations were ongoing. That

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explanation was not unreasonable and the inspector should have given reasons for the decision that the fallback was not a realistic possibility.

In *R (on the application Zurich Assurance Ltd T/A Threadneedle Property Investments) v North Lincolnshire Council [2012]* a challenge was made by Zurich to a decision by North Lincolnshire to grant planning permission for an out of town retail development on an existing garden centre site. One of the grounds of Zurich's challenge was that the Council had wrongly taken into account the potential for a fallback open retail scheme. This fallback was claimed to arise because the garden centre had, for many years, sold a wider range of goods than was permitted by the conditions imposed on its planning permission.

While Zurich sought to argue that the committee should have been advised that they could only take a fallback into account if it were a realistic possibility, the Court rejected this; finding that the fallback does not have to be probable or even have a high chance of occurring. Instead, the Court held that, in order to be a material consideration, a fallback only has to have "more than a merely theoretical prospect". While the likelihood of the fallback occurring may affect the weight to be attached to it, the Court did not feel it affected its status as a material planning consideration.

In *Mansell v Tonbridge and Malling Borough Council [2017]* it was clarified when a fallback development may be a material planning consideration for an alternative development scheme. This decision confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were:

- the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice;
- there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

Taking the High Court decision in *Mansell* as the known most recent court decision on material fallback positions, and with no apparent Court of Appeal decision to indicate otherwise, it is considered that there must be real prospect of the 1998 permission for the extensions to the existing dwelling being carried out in their entirety for the permission to form a material fallback position. It does not have to be probable or likely, a possibility will suffice. It is important to note though that *Mansell* confirms that this will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

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The Local Planning Authority has sought a structural report from the applicant that demonstrates that the existing dwelling is structurally capable of being extended in the manner that was approved under the 1998 permission.

A structural report has been carried out by Simon Bastone Associates Ltd, who are civil structural consultants. The report details that the two historically approved extensions can be constructed as independent additions with no significant additional load applied to the existing roof, walls or foundations. The internal openings between the extensions and the existing dwelling can also be “readily undertaken”. It is also stated that there is no reason to believe that the works to construct the attached garage cannot be undertaken. Through the submission of this structural report, Officers consider that should this current application be refused, then there is a real prospect that the works approved under the 1998 permission can be physically carried out in their entirety.

In addition, the applicants have confirmed that they intend to carry out the approved works should this application be refused. Officers have no reason to believe that this is not the case. It is important to note that the 1998 permission is not a speculative planning permission that was submitted with the intention of circumventing the replacement dwelling policy. The permission was granted over 20 years ago, albeit to different applicant, and the applicants have purchased the property with the view to providing a larger dwelling either in accordance with the 1998 permission or as a replacement dwelling. The fact that the 1998 permission has been physically commenced also weighs in the applicants’ favour. This is as opposed to a permission for extension(s) that has been recently granted and no works have been carried out to start that permission to even demonstrate that there is some form of intention to carry out the permission.

Taking all of the above into account, Officers are satisfied that the 1998 planning permission for extensions to the existing dwelling is considered to form a material fallback position.

Having regards to the provisions of Section 70(2) of the TCPA 1990 and Section 38(6) of the PCPA 2004, this material fallback position is important in the determination of the application and means that the Local Planning Authority could approve the application, notwithstanding the overall floor space of the dwelling and the matters this brings under Policy HC-D17 of the adopted development plan, subject to there being very special circumstances.

There are various factors to consider when deciding whether the material fallback forms a strong enough case for the Local Planning Authority to deviate from the requirements of the adopted development plan.

The applicant asserts that the fact that the Authority has previously approved the erection of a replacement dwelling that is larger than the existing dwelling forms a strong case to deviate from the Local Plan. For reference, planning permission was

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granted in 2004 for the erection of a two storey replacement dwelling under application reference 6/3/04/124. This planning permission was renewed in 2010 under application reference 6/3/10/101 but was not commenced and subsequently lapsed. Officers do not consider that the planning permission and the renewal of the permission provide significant support to approve this current application for a larger replacement dwelling. The original planning permission was granted in the period of the Local Plan that was in effect prior to the previous Local Plan that was replaced in 2017. The Local Plan policies at that time were different to the current Local Plan policies and the original permission was approximately 17 years ago.

In addition, it is important to remember that each planning application should be determined on its own individual merits. Had the original permission or the renewed permission been implemented prior to their expiry, then these previous decisions could form a material consideration in the determination of this current application. However, the original 2004 permission and the 2010 renewed permission have both lapsed and are no longer extant. As such, they can only be afforded limited weight in the determination of this current application.

Paragraph 148 of the National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy GP1 of the Local Plan sets out that the need to consider future generations, through sustainability and resilience to climate change and adapting to and mitigating the impacts of climate change. Policy CC-S1 states that climate change mitigation will be encouraged, development which reduces demand for energy, using small scale low carbon and renewable energy, looks to situate development which avoids sites that would put wildlife at risk together with measures which avoids the risk of flooding.

Policy CC-S5 seeks to support small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a carbon neutral National Park and Policy CE-S6 seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

The applicant assures Officers that the proposed replacement dwelling would be built to a very high environmental specification. It is noted that the 2019 sales particulars for the existing dwelling has an Energy Efficiency Rating of F and an Energy Impact (CO₂) Rating of G. The existing dwelling has a negative impact on the environment, and it is understood that there is limited scope to increase the energy efficiency of the existing dwelling to the level that the proposed replacement dwelling would achieve. In addition, the development would have solar panels on the roof to assist in providing

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a reduction in the carbon footprint of this residential site. Taking into account the requirements of Paragraph 148 of the NPPF, it is considered that the proposed dwelling's substantially better energy efficiency must weigh to some degree in favour of approving the proposed development as an alternative to the established material fallback.

Officers also consider it to be necessary to have regards to the extensions policy of the Local Plan given that the proposed development relies on a material fallback that results from extending the existing dwelling. The 1998 planning permission was for two extensions that would result in a 54% increase in the floorspace of the existing dwelling. Should such an application come before the Local Planning Authority under the current adopted development plan, then it would significantly exceed the 35% floorspace allowance of Policy HC-D15. The applicant seeks to rely on a historic planning permission that is contrary to the current adopted Local Plan. Officers consider that it should have some relevance in the determination of this planning application, but it should be given limited weight against the proposed development.

Officers have had regard to an appeal decision in the New Forest National Park, dated 4th March 2020 (ref. APP/B9506/W/19/3231235). Here an appellant sought to argue that a replacement dwelling could be constructed that was significantly larger than the existing dwelling due to the presence of a material fallback position formed by commenced development for an extension and an extant permission for raising the roof to create additional accommodation. The Inspector accepted that there was a material fallback position but dismissed the appeal as the fallback position would be less harmful than the proposed scheme for a replacement dwelling.

Taking this recent appeal case, Officers conclude that the scheme for the replacement dwelling at Springhayes must not cause more harm than the material fallback position for extensions to the existing dwelling. This is particularly important when considering that the site is situated in a protected landscape, and as such regard should be had to the great weight required to be applied to conserving and enhancing the landscape and scenic in National Parks under Paragraph 172 of the NPPF.

Paragraph 170(a) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

In terms of the overall design of the proposed development, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that

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fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Turning to the design of the proposed development first, the replacement dwelling has been re-designed following discussions with Officers. Officers considered that re-submitting the same scheme that was previously refused with some minor amendments would still result in a development that would cause more harm than the material fallback position.

The re-designed dwelling would be single storey with a rise in internal ground level between the northern section of the dwelling and the southern section. This would not be easily readable from outside the dwelling and it would appear as a low single storey building with overhangs that reflect the local vernacular and is sympathetic to the character and appearance of the site. In addition, the dwelling would now work with the landform of the site. It would be constructed across the site, instead of being built into the site and its sloping landform. This has had the effect of removing the large gable end that would have appeared as a two storey elevation with significant levels of glazing and multiple balconies. A form that would not have respected the character and appearance of the site and would have been more harmful than the material fallback of extending the existing dwelling. The revised scheme would see a large natural slate roof that would rise with the sloping nature of the site and the landscape behind it. The level of exposed and overtly visible glazing has been reduced, particularly on the southern elevation where the revised scheme would see the larger openings partially obscured under a large overhang in the roof.

In terms of materials, a natural slate tile on the roof of the replacement dwelling would allow the large roof expanse of the development to assimilate into its backdrop of rising land and mature planting. In addition, the southern elevation would be finished in natural stone and timber boarding. Again, these have the ability to assimilate and recede into the backdrop better than the existing dwelling with its extensions and the previously refused scheme.

Taking all of these elements together, Officers consider that the re-design has provided a scheme that is noticeably better than the scheme that was previously

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refused. The replacement dwelling would now be reflective of traditional Exmoor vernacular. Its design, form and palette of cladding materials would be sympathetic to the character and appearance of the site and harm would not be caused to the wider landscape and the limited views into the site from the public realm. When arriving at the conclusion of the impact on the landscape, Officers have had regard to Paragraph 172 of the NPPF, which as explained earlier in this report requires great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

When comparing the revised scheme for a replacement dwelling and the material fallback for extensions to the existing dwelling, Officers are satisfied that the proposed development would not cause more harm than the material fallback position.

As set out above, the 1998 planning permission granted under application reference 6/3/98/107 forms a material fallback position that potentially permits a deviation from the floorspace requirements of Policy HC-D17 of the Local Plan. However, there needs to be a consideration whether the material fallback position would cause less harm than the proposed development. Having regards to the Officers' consideration of design, material and the impact on the landscape and the character and appearance of the site itself, it can Officers are satisfied that the proposed development would not cause more harm than extending the existing dwelling in accordance with the 1998 planning permission.

Also in favour of the proposal is the environmental benefits that would arise from the proposed development, which is supported by Paragraph 148 of the NPPF.

On balance, Officers conclude that the material fallback position demonstrated by the applicants is sufficient for the Local Planning Authority to deviate, in accordance with Section 70(2) of the TCPA 1990 and Section 38(6) of the PCPA 2004, from the Local Plan requirement for the replacement dwelling to be the same floorspace as the existing dwelling.

Window and Door Material

Officers have set out the matter of the construction material for the windows and doors of the replacement dwelling as a separate section within the main body of this report and this remains a disputed part of the proposal.

The applicants seek to use powder coated aluminium for the windows and doors. The application papers explain that the windows would be "high performance aluminium windows" and that they would be a part of the energy efficiency of the replacement dwelling. The papers draw attention to part of the wording of Paragraph 4.158, which states the following:

Alternative materials may be considered in certain circumstances for non-traditional buildings in areas outside conservation areas (e.g. some minor extensions to, or

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replacement windows in, post-war/non-traditional buildings where existing materials and the age, form and setting of the building may indicate such consideration).

Attention is also drawn to Paragraph 4.159, which states the following:

Over the longer term, sustainable design and construction techniques are fundamental to achieving development which minimises impacts on the environment and to enable adaptation to environmental change. This includes minimising energy use through energy efficiency measures and incorporating renewable energy systems.

The papers explain that the applicants are seeking to achieve the aims of Paragraph 4.159 and that high performance aluminium windows will be essential to achieve and maintain air tightness and U-values long term. It is also asserted that aluminium windows do not warp, rot or corrode and that aluminium is 100% recyclable. Attention is also drawn to the fact that the existing dwelling has uPVC windows.

The neighbouring parish council, Exton Parish Council, have made specific comments on the revised scheme that support the use of aluminium for similar reasons and, in addition, that to use such a material would be more in keeping with the overall design of the replacement dwelling.

Officers consider it is important to start at the wording of the policy itself, Policy CE-S6. Clause (b) states that *the materials and design elements of a new building or conversion of an existing building, should complement the local context through the use of traditional and natural sustainable building materials. The use of locally-sourced sustainable building materials will be encouraged.*

It is clear to Officers that the requirement of the policy is for new development to use materials that complement the local context and are traditional and naturally sustainable. It is acknowledged that the preamble to the policy, Paragraph 4.158, does provide an opportunity to use alternative materials, but Officers consider that the provision of replacement dwelling that is seeking to reflect on the traditional vernacular of the Exmoor countryside should use the materials that best achieve this. Aluminium windows and doors would not reflect such a vernacular and therefore are not considered to be appropriate in relation to this particular proposed development. Officers consider that timber units would be in keeping with the appearance and design of the replacement dwelling. It is considered that to allow the use of aluminium would compromise the overall aesthetics and satisfactory appearance of the proposed development upon completion.

Turning to matters around sustainability and climate impact, the applicants have not provided details that demonstrate that aluminium windows and doors would be more energy efficient than all timber products on the market. Officers are aware of new natural timber products that are not susceptible to the same rotting and warping as some timber products. What weighs in favour of timber is that it comes from a natural

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source that is renewable, rather than the artificially produced aluminium products. Overall, Officers consider that there are suitable and robust timber products that are available and sustainable and would be coherent with Exmoor's traditional building vernacular.

It is clear that the applicants have not agreed to the use of timber windows and doors, but Officers have had regard to Section 70(1) of the Town and Country Planning Act 1990. This states that where an application is made to a Local Planning Authority for planning permission –

- a) subject to Section 62D(5) and Sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or
- b) they may refuse planning permission.

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Rather than recommending the refusal of the application, Officers consider that they can attach a condition requiring the use of natural timber in the construction of all windows and doors in the proposed dwelling, and that this would make the proposal acceptable and policy compliant. The attachment of such a condition is considered to be fair, reasonable and practicable.

With the attachment of a condition requiring the use of natural timber in the construction of all windows and doors in the proposed dwelling and outbuilding, Officers consider that the design, scale and materials of the proposed development are acceptable and compliant with the Local Plan.

Impact on Neighbouring Amenity

The nearest property to the application site is Higher Weekfield, which is on the opposite side of the public highway from the site, with a significant distance and substantial mature planting between the two properties. The proposed replacement dwelling would not increase overlooking, overbearing or loss of light on this neighbouring property or any other properties. As such, the proposed development is not considered to cause material harm to neighbouring amenity.

Impact on Biodiversity

The Authority's Wildlife Officer has advised that a bat and bird survey was carried out in May 2020, followed by a bat emergence survey of the existing dwelling in June 2019. It is explained that the results of the surveys were that there was no evidence of bat use found during the preliminary survey or during the bat emergence survey. The building was initially considered of low suitability to support roosting bats. In accordance with bat survey guidelines (Collins, 2016), one bat emergence survey of the building was undertaken to give confidence in a negative assessment of bat use.

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It has also been explained that the remains of an old bird's nest were found in a damaged soffit on the west elevation of the bungalow.

Having regards to the above findings, the Wildlife Officer has recommended that if planning permission is granted then a condition is attached to restrict works to outside the bird nesting season and another condition is attached that requires ecological enhancement measures to be carried out. It is also recommended that an informative is attached that draws the applicant's attention to the legal protection afforded to bats and their roosts, and that a condition is attached that requires a lighting scheme that is sensitive to bats to be submitted prior to first occupation of the replacement dwelling.

With the attachment of the above mentioned conditions and the recommended bat informative, Officers consider that the proposed development would not materially impact on the site's wildlife interests.

Impact on Highway Safety

There would be a decrease in the number of bedrooms at the property from four to three as a result of the proposed development. However, the size of the bedrooms in the existing dwelling compared to the bedroom sizes in the proposed replacement dwelling would suggest that there would be a similar amount of bed space. As such, there is unlikely to be a material increase in vehicular movements to and from the property.

The existing parking provision on site would be retained to ensure that there is sufficient parking and turning space within the property to prevent vehicles parking or manoeuvring on the highway, or vehicles egressing from the site in reverse.

Overall, it is considered that the proposed development would not cause material harm to highway safety.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

The principle of replacing the existing dwelling with a new dwelling is considered to be compliant with Policy HC-D17 of the Local Plan. The siting of the new dwelling and its impact on other material planning considerations, namely the impact on neighbouring amenity, biodiversity and highway safety, are also considered to be acceptable and compliant with the Local Plan.

The previous application was refused due to the scale of the replacement dwelling and its design and impact on the landscape. The proposal has now been amended to

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re-design the proposed dwelling. Officers acknowledge that there is a material fallback position that has been created through a 1998 planning permission for extensions to the existing dwelling. Having regard to a recent appeal decision in another National Park, the proposed development must not cause more harm than the material fallback position. In this particular case, as detailed in this report, Officers consider that on balance the re-design of the proposed replacement dwelling is now in keeping with, and sympathetic to, the local rural vernacular and the character and appearance of the site itself. Officers are satisfied that even when applying great weight to conserving and enhancing the landscape and scenic beauty of the National Park, the proposed development would not cause more harm to the landscape and visual amenity than the material fallback position.

On balance, Officers conclude that the material fallback position demonstrated by the applicants is sufficient for the Local Planning Authority to deviate, in accordance with Section 70(2) of the TCPA 1990 and Section 38(6) of the PCPA 2004, from the Local Plan requirement for the replacement dwelling to be the same floorspace as the existing dwelling.

There remains a sticking point over the construction material for the windows and doors of the replacement dwelling. Officers have had regard to the applicants' case for aluminium windows and doors, but Officers are not persuaded to agree to the use of such a material. Timber would ensure compliance with the Local Plan as traditional a naturally sustainable material and it would be ensure the satisfactory aesthetics and appearance of the proposed development upon completion, thereby protecting and conserving the character and appearance of the site. As explained in this report, the applicants do not agree to the use of timber, but rather than recommending the refusal of the application, Officers consider that they can attach a condition requiring the use of natural timber in the construction of all windows and doors in the proposed replacement dwelling, and that this would make the proposal acceptable and policy compliant.

With the attachment of the timber windows and doors condition, Officers consider that the proposed development is compliant with local and national planning policies, except for the scale of the replacement dwelling, but this has been demonstrated to be permissible due to the presence of a material fallback position. It is therefore recommended that planning permission be granted, subject to the attachment of appropriate planning conditions. In particular, a condition should be attached removing permitted development rights for the extension or enlargement of the dwelling and another condition should be attached that prevents the attached garage being used as ancillary living accommodation. These conditions are necessary due to the replacement dwelling having a net internal floorspace that is greater than the internal floorspace of the existing dwelling, contrary to Policy HC-D17 of the Exmoor National Park Local Plan 2011 – 2031, but has only been concluded as acceptable due to the material fallback created by a previous planning permission.

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Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out strictly in accordance with drawing number ARPC 1, date stamped by the Local Planning Authority on 29th September 2020, drawing numbers ARPC 2, SPEX-20-101, SPEX-20-103 and SPEX-20-105, date stamped by the Local Planning Authority on 24th December 2020, drawing number SPEX-20-102B, date stamped by the Local Planning Authority on 5th January 2021, and drawing number SPEX-20-104B, date stamped by the Local Planning Authority on 18th January 2021, unless otherwise required by condition below.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

3. The removal of any areas of hedgerows, trees or shrubs around the site, and the demolition of any buildings, shall not take place between 1st March and 31st August inclusive, unless an ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to, or demolition of, buildings commences and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Exmoor National Park Local Plan Policy CE-S3 (Biodiversity and Green Infrastructure).

4. The windows and doors (including their frames) in the replacement dwelling hereby approved shall only be constructed from natural timber. They shall be retained as such thereafter and any subsequent replacement windows and doors shall comply with the requirements of this condition.

Reason: In the interests of the satisfactory appearance of the development, to conserve the character and appearance of the landscape and locality, and to ensure compliance with Policy CE-S6 of the Exmoor National Park Local Plan 2011 - 2031.

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5. The rooflights in the roof of the replacement dwelling hereby approved shall be fitted so that their external faces are flush with the external faces of the surrounding roof tiles. The rooflights shall be retained as such thereafter and any subsequent replacement rooflights shall comply with the requirements of this condition.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

6. The solar panels on the roof of the replacement dwelling hereby approved shall only be matt black with matt black frames and they shall be integrated within the roof tiles so that their external faces are flush with the external faces of the surrounding roof tiles. The solar panels shall be retained as such thereafter and any subsequent replacement solar panels shall comply with the requirements of this condition.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

7. Prior to its installation, sample(s)/details of the facing stone of the replacement dwelling hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority.

Also prior to the installation of the stone facing on the replacement dwelling, a sample panel measuring at least 2 metres by 1 metre, using the approved facing stone and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site, and the sample panel shall be approved in writing by the Local Planning Authority.

The replacement dwelling shall then only be faced in stone in accordance with the approved sample panel and it shall be retained as such thereafter.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

8. Prior to its installation, sample(s)/details of the natural slate roof tiles to be used on the replacement dwelling hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The roof of the replacement dwelling shall only be clad with natural slate tiles in accordance with the approved sample(s)/details and shall be retained as such thereafter.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

9. Prior to its installation, sample(s)/details of the timber cladding to be used on the replacement dwelling hereby approved shall be submitted to, and approved

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in writing by, the Local Planning Authority. The replacement dwelling shall only be clad with timber in accordance with the approved sample(s)/details and shall be retained as such thereafter.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

10. Prior to their construction, details of the supporting posts forming part of the replacement dwelling hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The posts shall then be constructed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the satisfactory appearance of the development and to conserve the character and appearance of the landscape and locality.

11. Prior to first occupation of the replacement dwelling hereby approved, the two buildings shown on approved drawing numbers SPEX-20-101 and ARPC 1 shall be demolished and removed from site.

Reason: To ensure that the planning benefits proposed through the application are carried out as part of the case for approving a replacement dwelling that is contrary to the adopted Local Plan in terms of its gross internal floorspace.

12. The sewage package treatment plant shown on approved drawing number SPEX-20-101 shall be installed and fully functioning prior to first occupation of the replacement dwelling hereby approved.

In addition, and for the avoidance of doubt, the area for the sewage package treatment plant contained within the red line area on ARPC2 shall not form part of the garden curtilage of the replacement dwelling hereby approved. The garden curtilage of the replacement dwelling shall be limited to the areas coloured green on approved drawing number SPEX-20-101.

Reason: To ensure that the sewage package treatment plant is installed to serve the dwelling in the interests of amenity and to clarify the extent of the garden curtilage in the interests of protecting the landscape and visual amenity of the National Park.

13. Prior to first occupation of the replacement dwelling hereby approved, a "Lighting Design for Bats", following Guidance Note 8 - Bats and Artificial Lighting (ILP and BCT 2018), shall be submitted to, and approved in writing by, the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the

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specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Exmoor National Park Local Plan Policy CE-S3 (Biodiversity and Green Infrastructure).

14. Prior to first occupation of the replacement dwelling hereby approved, the following ecological enhancement measures shall be integrated into the construction of the building, unless otherwise agreed in writing with the Local Planning Authority:
- a) 1 no. Habitat 001 bat box, or similar, shall be built into the replacement dwelling at least four metres above ground level on the west or south facing elevations of the building;
 - b) 2 no. Schwegler 1a swift bricks, or similar, shall be built into the external wall of the replacement dwelling at least 60cm apart and at least five metres above ground level on the north facing elevation of the building;
 - c) no. bee brick shall be built into the external wall of the replacement dwelling at 1 metre above ground level on the south or southeast elevations of the building;
 - d) Planting within the garden of the replacement dwelling shall include high nectar producing plants to encourage a range of invertebrates to the site and to provide continued foraging for bats. The shrubs shall also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators" (www.rhs.org.uk/perfectforpollinators) provides a list of suitable plants both native and non-native.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in Paragraph 170(d) of the National Planning Policy Framework.

15. The garage attached to the replacement dwelling (the area of the dwelling labelled as Garage on approved drawing number SPEX-20-102B), shall not be used other than for the parking of vehicles and the storage of domestic items associated with the dwelling. The garage shall not be used as ancillary living accommodation, unless planning permission is granted by the Local Planning Authority for such a use.

Reason: The replacement dwelling has a net internal floorspace that is greater than the internal floorspace of the existing dwelling, contrary to Policy HC-D17 of the Exmoor National Park Local Plan 2011 – 2031, and has only been

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concluded as acceptable due to the material fallback created by a previous extant planning permission. To prevent a further increase in floorspace under permitted development rights, which would see the replacement dwelling become larger than the floorspace granted under the previous planning permission, it is necessary to remove such rights so that the Local Planning Authority can formally consider a proposal to increase the floorspace further.

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the replacement dwelling hereby approved shall not be extended or enlarged without the specific granting of planning permission for such development by the Local Planning Authority.

Reason: The replacement dwelling has a net internal floorspace that is greater than the internal floorspace of the existing dwelling, contrary to Policy HC-D17 of the Exmoor National Park Local Plan 2011 – 2031, and has only been concluded as acceptable due to the material fallback created by a previous extant planning permission. To prevent a further increase in floorspace under permitted development rights, which would see the replacement dwelling become larger than the floorspace granted under the previous planning permission, it is necessary to remove such rights so that the Local Planning Authority can formally consider a proposal to increase the floorspace further.

Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

Monitoring of Development

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective

7.1

monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email plan@exmoor-nationalpark.gov.uk.

Conditions and Informatives and the Submission of Further Details

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis.

The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal.

Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

Advisory Note - Bats

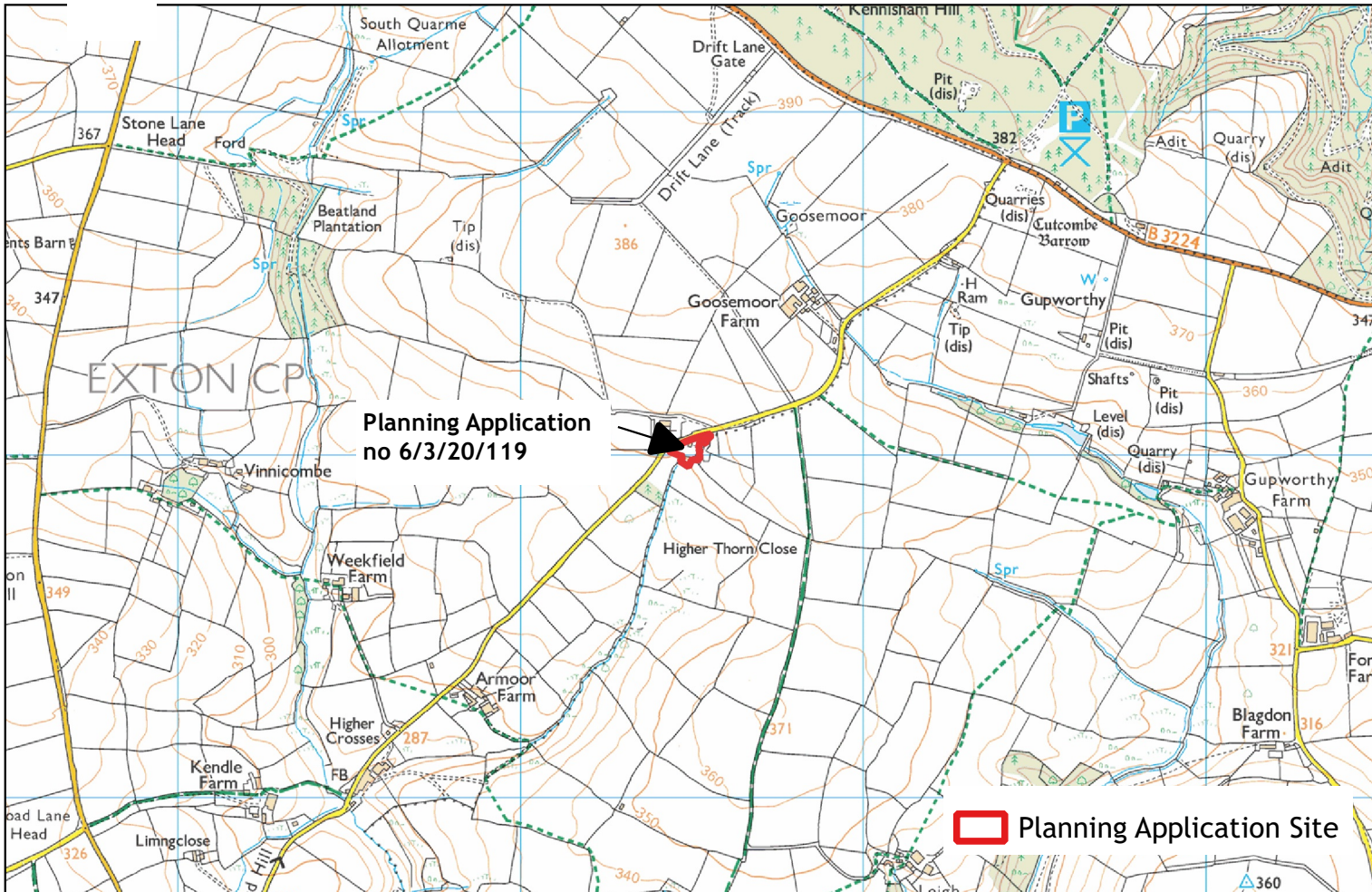
The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Planning Application no 6/3/20/119

Planning Application Site

Site Map
Scale 1:2500

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Planning Application no 6/3/20/119

Planning Application Site

Overview Map
Scale 1:20000

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Committee Report

Application Number:	62/11/20/014
Registration Date:	30-Nov-2020
Determination Date:	20-Jan-2021
Applicant	Mr D Raymond
Agent:	
Case Officer:	Kieran Reeves
Site Address:	County Gate, Countisbury, Lynton, EX35 6NQ
Proposal:	Advertisement consent for the proposed installation of 5 no. car park and information signage.
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	The application has been called in by the Head of Planning and Chief Executive due to Exmoor National Park Authority having an interest in the land.

Relevant History

No previous applications relevant to this advertisement consent application.

Site Description & Proposal

Advertisement consent is sought for the installation of five signs at County Gate. The application site consists of a public car park, a building that used to be the National Park tourist information centre and another building that contains public toilets and a bus/walkers' shelter. The former tourist information building is Grade II listed. The site is isolated within the open countryside and straddles the border between Somerset and Devon. There are numerous public rights of way near to the site.

Four of the signs would be erected in the car park. The fifth sign would be installed within the bus/walkers' shelter. All the signs are proposed to reflect the upcoming change in ownership of the site from Exmoor National Park Authority to the National Trust. The signage would see the National Trust branding introduced on site in place of the existing National Park Authority signage.

Consultee Representations

North Devon Council – In accordance with the agreed protocol, the District Council, as a consultee to the Exmoor National Park Authority, has no observations.

SCC Highway Authority – Standing advice applies

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ENPA Historic Buildings Officer – I do question whether sign D is required and if so whether it would be better placed inside the bus shelter to reduce the visual impact of the signage. The impact of the additional signage on the setting of the listed building is negligible given that there is existing interpretation and entrance signs.

ENPA Public Rights of Way & Access Officer – County Gate Car Park is a popular place for visitors and locals alike to park for walking, cycling and riding. There are footpaths and bridleways in all directions and much of the land around the car park is access land (see plan below). As such I welcome the replacement of the signage and have no objection to the introduction of parking charges at this location. The signage appears proportionate and appropriate for the location. I am sure that National Trust staff will include a large amount of access information on these boards but if any advice/ further information is required, please do not hesitate to ask. It would be great to see public rights of way, permitted paths and the circular route from the car park around Cosgate Hill included on any maps that are included on the boards.

Officers also note that **Brendon and Countisbury Parish Council** have commented on another application relating to this site (reference 62/11/20/015) and that part of the comments are relevant to this application due to the proposed sign relating to car parking charges. They have commented that “car park should remain free in perpetuity and signage kept to a minimum in keeping with the ethos and beauty of the Exmoor National Park”.

Representations

No public representations have been received at the time of writing this report.

Policy Context

Exmoor National Park Local Plan 2011 – 2031

GP1 – General Policy: Achieving National Park Purposes and Sustainable Development

CE-S1 – Landscape and Seascape Character

CE-D1 – Protecting Exmoor’s Landscapes and Seascapes

CE-S6 – Design and Sustainable Construction Principles

CE-S4 – Cultural Heritage and Historic Environment

CE-D3 – Conserving Heritage Assets

CE-S6 – Design and Sustainable Construction Principles

CE-D5 – Advertisements and Private Road Signs

RT-D12 – Access Land and Rights of Way

AC-D2 – Traffic and Road Safety Considerations for Development

The National Planning Policy Framework (NPPF) is also a material planning consideration.

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Planning Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development and other relevant factors. In relation to amenity, this includes the general characteristics of the locality, including the presence of any feature of historic, architectural or similar interest.

Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. It is also stated that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy CE-D5 of the Exmoor National Park Local Plan 2011 – 2031 states that “advertisements, and private road signs will only be permitted where it can be demonstrated that in the interests of amenity:

- a) the proposal represents a joint or community advertisement or sign; or the advertisement is located on, or is well related to the building that is used for the business or attraction; and
- b) there will be no adverse individual, cumulative, or sequential impact on landscape character and local distinctiveness of the locality; and
- c) the size, scale, colour and siting are appropriate and the materials and design are of a high standard which conserve or enhance the character and appearance of the area”.

Further to this, Policy CE-D5 states that “the proposal should have no detrimental impact on public safety” and that “opportunities to enhance existing buildings or the landscape through consolidating, redesigning or removing existing advertisements / signage will be encouraged”.

It is clear from the above that the key considerations when determining an application for advertisement consent are the impact on amenities of the area and impact on public safety and highways from the installation of the proposed signage and any associated lighting.

There are five signs proposed through this application. Two of the signs are replacement signs for existing Exmoor National Park Authority signage and one sign would be installed within a building.

A new entrance sign is proposed at the entrance to the car park. This would replace the existing entrance sign and provide information on the presence of the car park, a new café that is the subject of a separate application (reference 62/11/20/015) and the existing public toilets. Also next to the entrance would be one of the National Trust’s traditional omega signs with the logo and place name.

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A welcome and orientation sign is also proposed and this would be installed on the edge of the car park to replace the existing interpretation sign. Next to this sign it is proposed to install a timber post that would have car parking charges installed on it. To clarify to Members, the payment would only be by telephone and the applicant has confirmed that no parking machine will be installed.

Attached to the public toilet block at County Gate is a bus shelter. The fifth sign would be installed within the bus shelter and it would be a mini welcome and orientation sign for those who arrive by bus and do not see the larger sign in the car park.

County Gate is very exposed and can be seen from the wider landscape with little natural or built screening. As such, there is potential for harm to the landscape and visual amenity to occur, particularly as the site is visible from a number of nearby public rights of way. The main building at County Gate is listed and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make clear that the impact on the setting of this building should be taken into account as well.

The two signs at the entrance to the car park would be overtly visible from the A39 and some of the public rights of way near the site. However, it is noted that they are small scale and the larger of the two signs would replace an existing entrance sign of similar scale. The proposed signs are considered to visually relate to one of the main uses of the site, a public car park, and the existing built form of the site. They would not appear as isolated development and the use of natural timber for their posts would help soften their appearance and form. Officers consider that these signs would not cause material harm to the landscape or visual amenity.

The welcome and orientation sign and the parking charges sign would be installed on the edge of the car park. As mentioned before, the former would replace an existing information sign that it is proposed to remove. The form of the proposed sign (vertical) would be different to the form of the existing sign, which is more horizontal and lower to the ground. This means that the proposed new sign, together with the parking charges sign, would have the potential to have more of an impact than the existing sign and this impact needs to be considered carefully in the context of the National Park landscape.

The proposed new signs would be seen from the south and west in relation to existing built form – the hard standing of the car park and the existing public toilets building. This means that they would not appear as isolated development in the open countryside. In addition, there is a bank with planting to the rear of the site for the proposed sign and the backdrop of this bank would allow the natural timber posts of both signs, and the dark tones of the welcome and orientation sign, to assimilate into their background better than signs located with a backdrop of open landscape. The bank would also screen the signs from the A39 to the east and any views to the north. The existing sign is more visible from the A39 than the proposed signs would be due to their individual positioning. Taking all of the above into account, it is considered that

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the proposed welcome and orientation sign and the parking charges sign would not cause material harm to the landscape or visual amenity.

The mini welcome and orientation sign would be located in the bus/walkers' shelter. It has been established with the applicant that despite this sign being inside a building it still requires advertisement consent and its impact on amenity must be considered as part of this application as well. The fact that the sign would be located within a building means that its impact is significantly limited. It would be visible when travelling along the A39 from Lynton to Porlock but its scale and position within the building means that it would only be glimpsed and not jar within the landscape from this specific viewpoint. Officers consider that material harm would not be caused to the landscape or visual amenity as a result of installing this sign within the bus/walkers' shelter. It is also considered that it would not cause material harm to the host building either.

Turning to the impact on the setting of the listed building, the Authority's Historic Buildings Officer questions whether the mini welcome and orientation sign is required and if so whether it would be better placed inside the bus/walkers' shelter to reduce the visual impact of the signage. Officers can confirm that the sign would be installed within the shelter and not on the external wall.

The Historic Buildings Officer has advised that the impact of the additional signage on the setting of the listed building is negligible given that there is existing interpretation and entrance signs. Officers have taken this advice and concluded that the proposed signs would not cause material harm to the setting of the listed building.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 also require the public safety impact of the signs to be considered as well as part of this application.

The site is near numerous public rights of way and there would be pedestrians walking these paths and bridleways who will enter the site, together with pedestrians associated with vehicles parked within the car park. Officers can confirm that the signs would be either fixed into the ground or installed within a building. There would be no moving, hanging or projecting parts on any of the signs. As such, Officers consider that the signs would not pose a danger to the public safety of pedestrians walking in or near the site.

The A39 passes close to the site and vehicles will be entering the car park from this key arterial road. With no parts of any of the proposed signs moving, hanging or projecting, there would be no impact on highway safety from the signs in these respects. The fact that there would be no moving parts also means that there would not be a distraction to motorists. There would also be no distraction from the signs themselves as they do not draw attention from the road in terms of their design, contents or colours. Lastly, there is no lighting proposed as part of the application and drivers would therefore not be distracted by glare from illuminated signs.

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The comments of the Parish Council have been acknowledged. However, the legislation is clear that the material considerations are limited to amenity and public safety. The principle of charging for the parking of vehicles within the car park does not fall into one of these considerations and does not form a material consideration in respect of this application. The fact that one of the signs relates to the charging for parking should not have a bearing on the determination of this application.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

Officers conclude that the proposed five signs would not cause material harm to visual amenity or the landscape, nor would they compromise highway safety, and they are therefore compliant with local and national planning policy. It is therefore recommended that advertisement consent is granted, subject to the attachment of appropriate conditions.

Recommendation

Approve subject to the following conditions:

1. The advertisement hereby approved shall be installed strictly in accordance with approved drawing number 10023911-101/202001/ 01 Rev B and 10023911-101/202001/ 02 Rev A, date stamped by the Local Planning Authority on 7th December 2020, unless otherwise required by condition(s) below.

Reason: To ensure a satisfactory standard of advertisement in the interests of amenity.

2. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land).

Reason: Standard condition under the provisions of the Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport.

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Reason: Standard condition under the provisions of the Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site.

Reason: Standard condition under the provisions of the Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public.

Reason: Standard condition under the provisions of the Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

Reason: Standard condition under the provisions of the Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The posts of the hereby approved signs shall only be constructed from natural timber and shall be retained as such thereafter. Any subsequent post replacements shall accord with the requirements of this condition.

Reason: In the interests of the satisfactory appearance of the development upon completion and in the interests of protecting the character and appearance of the landscape and visual amenity.

8. The Mini Welcome and Orientation Sign (D) hereby approved shall be installed within the bus/walkers' shelter on site. It shall not be installed on any external face of the building. The sign shall be retained within the building unless advertisement consent is granted for its installation on the exterior of the building.

Reason: In the interests of the satisfactory appearance of the development upon completion and in the interests of protecting the character and appearance of the landscape and visual amenity.

9. Within one month of the installation of the Welcome and Orientation Sign (C) hereby approved, the existing interpretation sign shown on approved drawing number 10023911-101/202001/ 01 Rev B shall be removed from site.

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Reason: In the interests of the satisfactory appearance of the development upon completion and in the interests of protecting the character and appearance of the landscape and visual amenity.

10. Within one month of the installation of the Welcome Sign (A) hereby approved, the existing entrance sign shown on approved drawing number 10023911-101/202001/ 01 Rev B shall be removed from site.

Reason: In the interests of the satisfactory appearance of the development upon completion and in the interests of protecting the character and appearance of the landscape and visual amenity.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the signs hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: In the interests of visual amenity and highway safety, the conservation of protected species and habitats and to protect Exmoor's dark night sky.

Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

Monitoring of Development

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted

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at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email plan@exmoor-nationalpark.gov.uk.

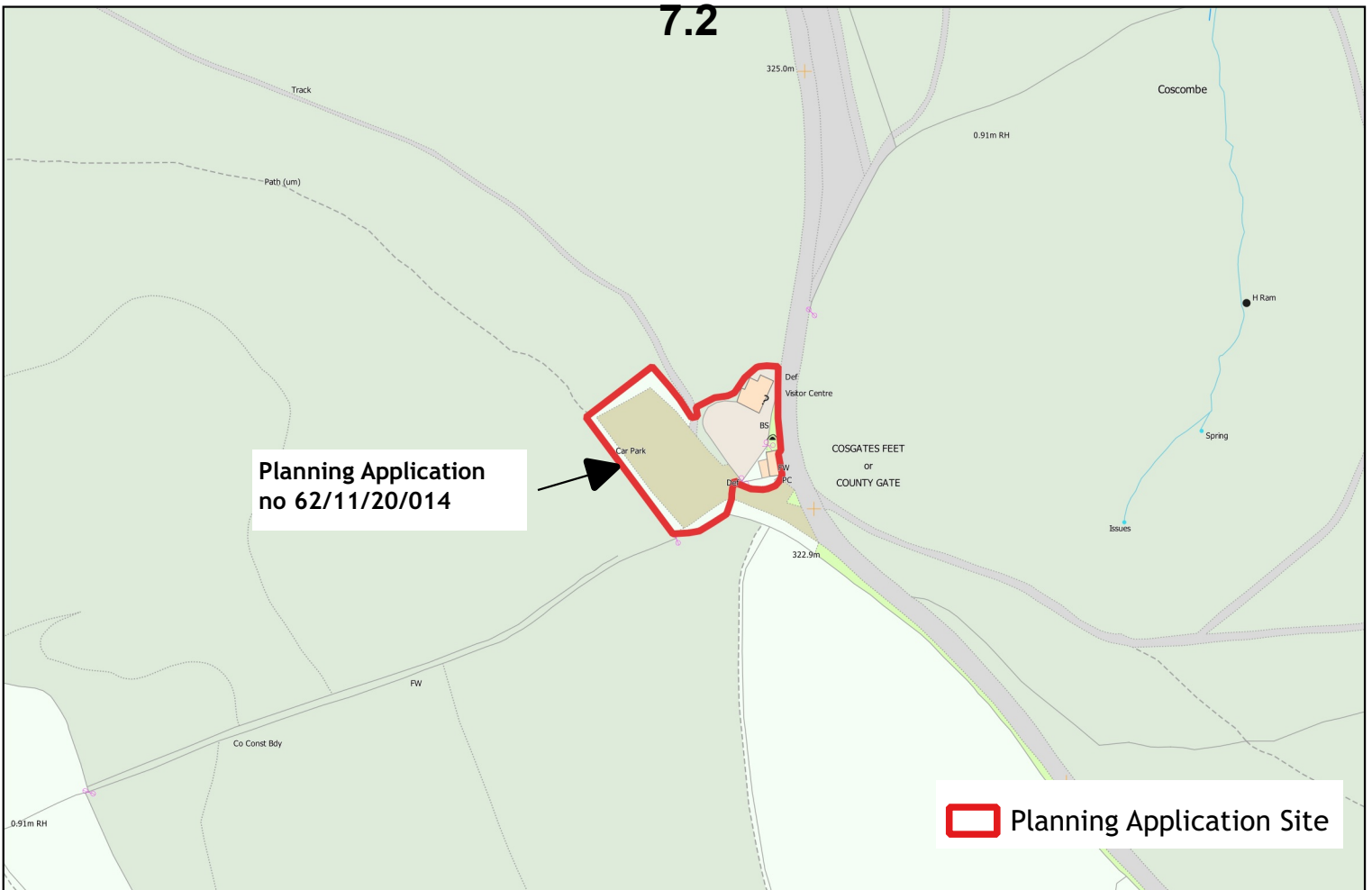
Conditions and Informatives and the Submission of Further Details

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis.

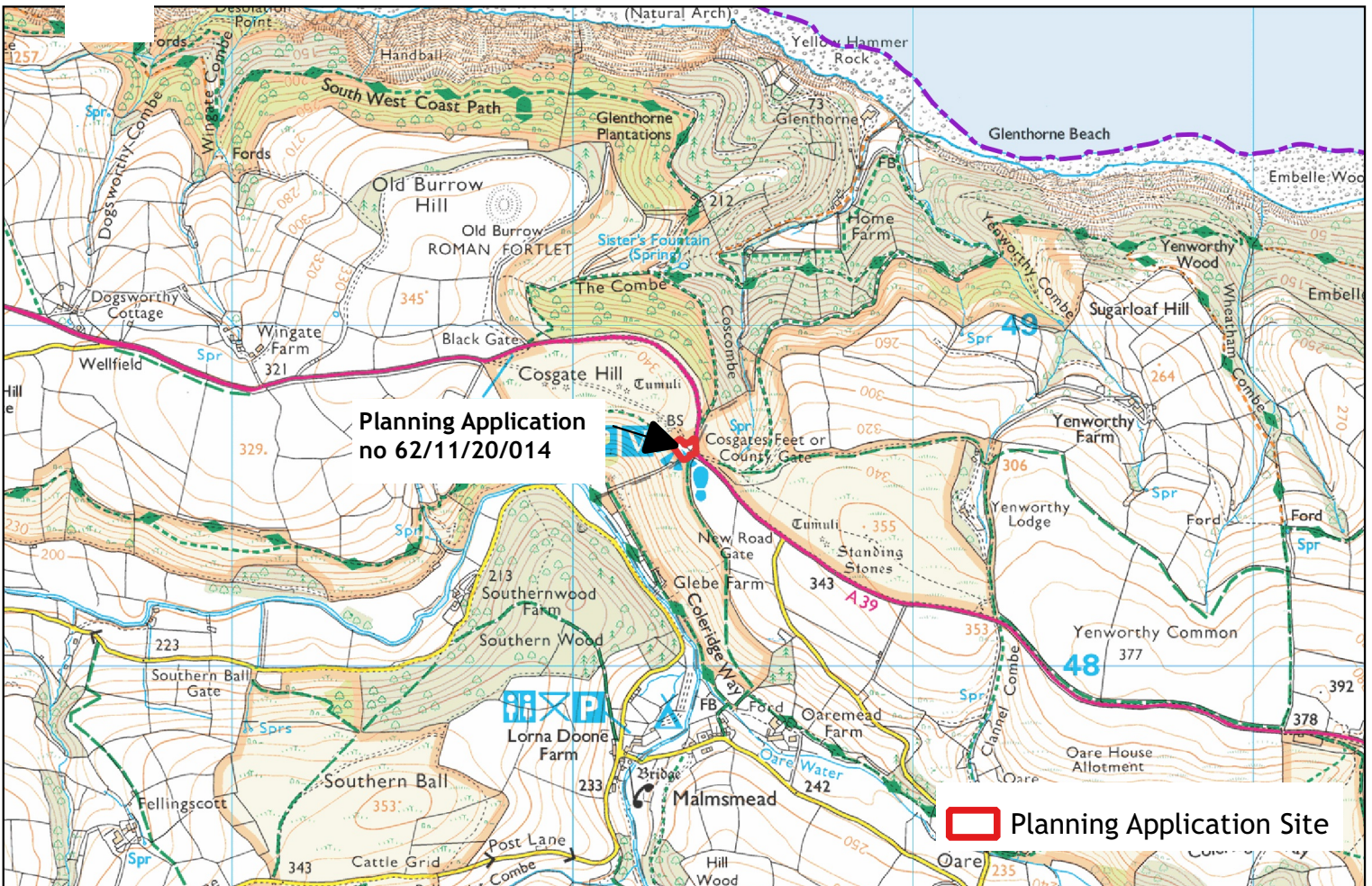
The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal.

Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.



Site Map
Scale 1:2500

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Overview Map
Scale 1:20000

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Committee Report

Application Number:	WTPO 20/07
Registration Date:	05-Nov-2020
Determination Date:	28-Dec-2020
Applicant	Mr. W Hunt, Exmoor National Park Authority
Agent:	
Case Officer:	Graeme McVittie
Site Address:	Hawkcombe Wood, Porlock, Somerset
Proposal:	Works to Trees subject to Tree Preservation Order: Felling 434 common ash (<i>Fraxinus excelsior</i>) affected by ash die back (<i>Hymenoscyphus fraxineus</i>) based on detail survey by Devon Tree Services. Works will be phased over 2 years as trees decline beyond a safe threshold.
Recommendation:	Approve
Reason for bringing before Authority Committee:	The applicant is Exmoor National Park Authority.

Relevant History

None Relevant

Site Description & Proposal

Site Description

The application site lies within the National Nature Reserve and SSSI of Hawkcombe Woods and is adjacent to parts of the public rights of way network identified as high priority in the ENPA Tree Risk Assessment Procedure. The trees subject to this application are within falling distance of properties, telecommunication and public access.

Proposal Development

The application seeks permission for Works to Fell 434 Ash Trees in Hawkcombe Woods. This is due to the threat posed to high risk targets, including domestic buildings, utilities and a public highway. The majority of trees are infected with *Hymenoscyphus Fraxineus* (Ash Dieback)

Consultee Representations

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ENPA Wildlife Officer – No response

ENPA ROW and Access Officer – Disruption likely to users of public rights of way. Work should be managed to avoid path closures with use of banksmen and alternative routes kept open as much as possible. Contact to be maintained with ROW officer and Area Ranger to maintain safe access as work programme progresses. Contractors should reinstate any damage caused to infrastructure.

ENPA Landscape Officer – No response

Somerset West and Taunton - No response

SCC Highways - No response

Environment Agency - No response

Natural England - No response

Luccombe Parish Council – No response

Porlock Parish Council – No response

Representations

No written or electronic responses

Policy Context

The trees are protected by TPO Ref F14/2/6 and stand within North Exmoor SSSI and Hawkcombe Woods National Nature Reserve. Although a thinning licence is currently in place as part of the Forestry-Commission approved management plan, the volume of timber proposed to be felled at the eastern end of the TPO area exceeds the maximum allowed under the current Licence. A protected species has been recorded. The applicant is Exmoor National Park Authority who are also the Planning Authority considering this application.

Planning Considerations

Ash Dieback is now prevalent throughout Exmoor National Park, and studies show that up to 90% of ash trees may die from the disease over the next few years. On the ENPA estate over 2000 ash trees have been identified which are adjacent to or within falling distance of high value targets including houses, roads, footpaths, bridleways, and electrical- and telecommunications infrastructure. In the interest of safety, it has been deemed a priority to carry out works to these ash trees before their condition

7.3

deteriorates to a level where workers would be imperilled and costs escalate as felling options become increasingly limited. Work will be undertaken in priority phases based on the condition of the trees and the progress of ash dieback.

Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. In this case the Tree Preservation Order relates to woodland at Hawkcombe Woods, on land owned by Exmoor National Park Authority.

In Hawkcombe, 434 ash have been identified for removal, which it is hoped will begin in Spring 2021 with the trees and groups identified as part of Phase 1 of the works.

The trees are protected by TPO Ref F14/2/6 and stand within the North Exmoor SSSI and Hawkcombe Woods National Nature Reserve. SSSI consent is being sought from Natural England. A Preliminary Ecological Assessment and Precautionary Measures Method Statement are in the process of preparation, which will allow protection measures for statutorily protected species to be in place and carried out concurrently with the felling process.

A Felling Licence (ref 018/3289/2020) is being obtained from the Forestry Commission for the areas of the work not covered by the thinning licence currently in place. The licence will require restocking, and ENPA intends to replant the felled areas with a broadleaved mixture.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

Due to the progressive nature and variable rate of progress of ADB and the decreasing range of practical options to manage the high risk as symptoms develop the recommendation is that members approve the application.

Recommendation

Approval subject to the following condition:

1. The tree surgery works hereby approved shall be carried out to the British Standard.

Reason: In the interests of visual amenity and to ensure the works are carried out in a satisfactory manner.

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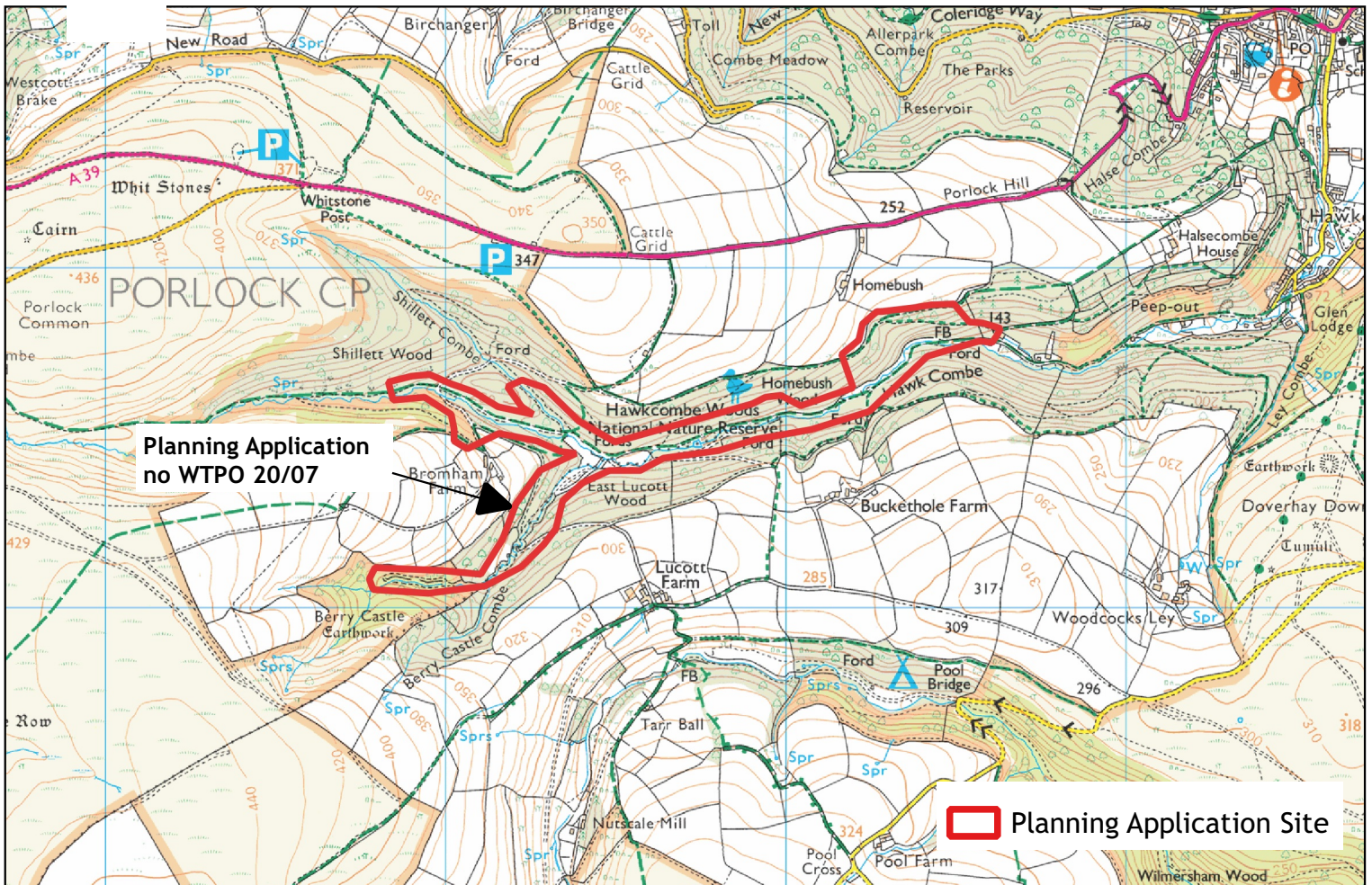
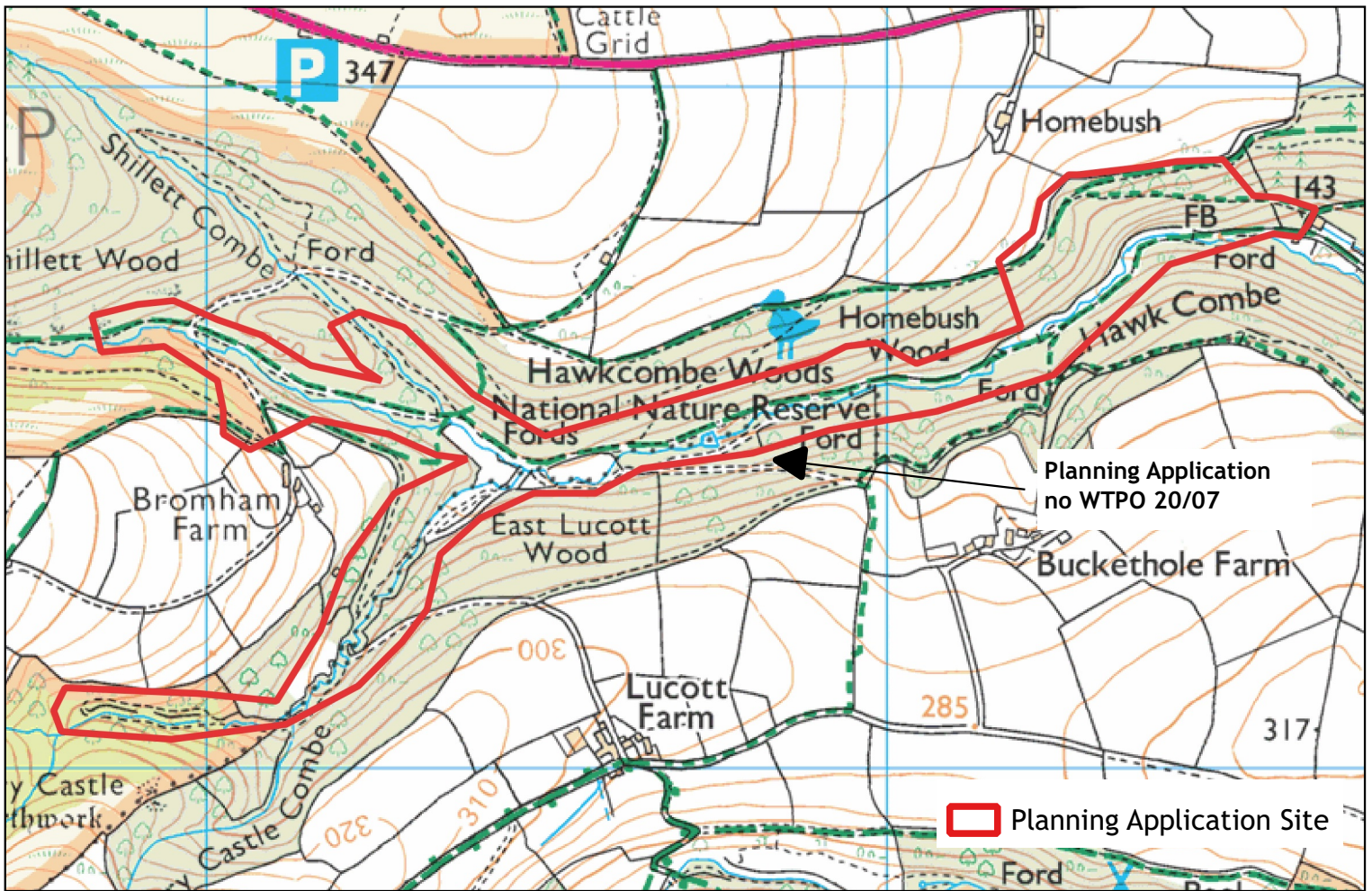
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2. The felled area will be re-planted according to the conditions stipulated in the Forestry Commission approved Felling Licence ref 018/3289/2020 when granted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appropriate trees are replanted to maintain the health of the plantation, in the interests of local amenity.

Informatives

POSITIVE & PROACTIVE STATEMENT

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.



Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
GDO 20/12	Mr. Everard, Everard Partners - Prior notification for the installation of a series of cattle handling pens, made up of steel gates and posts (30m x 6m). (GDO - Agricultural/Forestry) - Cattle Handling Pens Leigh Farm, Leigh farm, Bridgetown, Dulverton, TA22 9JP	GDO - Prior Approval Not Reqd 24-Dec-2020
62/41/20/025	Nicholas Woodall - Proposed change of use from former Use Class D1 artists' studio/centre to rural enterprise centre with work hub offices and hot desk facilities, together with external alterations including replacement roof. (Full) - Old Laundry Studio, Cavendish Place, Lynton, EX35 6AD	Approved with Conditions 15-Jan-2021
6/8/20/117	Mr. RJ Webber, SJ & RJ Webber - Proposed replacement building (24.38m x 18.28m) for livestock and storage of agricultural machinery and fodder. (Full) - The Croft, Wheddon Cross, Minehead, Somerset	Approved with Conditions 15-Jan-2021
6/34/20/104	Mr. R Willford, Allercott Farming Partnership - Lawful Development Certificate for existing use of land at Allercott Pitts for motorsports use for 50 days per calendar year (Saturdays and Sundays only). (CLEUD) - Allercott Farm, Timberscombe, Minehead, TA24 7BN	Withdrawn 04-Jan-2021
6/9/20/119	Mr J Clarke - Proposed demolition of existing conservatory and erection of single storey side extension. (Householder) - 8 , Bath Meadow Drive, Dulverton, TA22 9EH	Approved with Conditions 14-Jan-2021
6/8/20/115	Mr & Mrs M & S Sanders, MA and SS Sanders - Proposed conversion of buildings to 2 no. Principal Residence dwellings. Resubmission of refused application 6/8/20/105. (Full) - Thorne Farm, Wheddon Cross, Minehead, TA24 7EZ	Refused 14-Jan-2021
6/13/20/105	Mr. H Rawson, Wellshead Estate - Proposed subdivision of existing dwelling in to two dwellings. Part Retrospective. (Full) - Pitsworthy Farm, Exford, Minehead, TA24 7NR	Approved with Conditions 24-Dec-2020
WTCA 20/16	Mr. J Cordingley, National Trust - Works to Trees in a Conservation Area affected by Ash Die Back. T3923 - Fell. T3422x3 trees - Fell. T3924 - Fell to 2.5m. T3927 - Fell to 6m. T3925 - reduce 2 large limbs to fork.	Approved 18-Dec-2020

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	T3928 - reduction of large limb. (WTCA) - Dunster Castle Gardens, Somerset, TA24 6SL	
WTPO 20/09	Mr. M Brewer, M H Brewer - Works to Tree(s) subject to a Tree Preservation Order: T2 copper beech RefF14/3/12. Large Copper beech to the front of the property. Sensitively crown reduce to achieve a 1-2 meter reduction. (WTPO) - RIVER HOUSE, WINSFORD, MINEHEAD, TA24 7JF	Approved 08-Jan-2021
62/50/20/015	Mr S Cheetham - Proposed erection of 2 no. two storey extensions. (Householder) - ORCHARDSIDE, PARRACOMBE, BARNSTAPLE, EX31 4QJ	Approved with Conditions 18-Jan-2021
6/13/20/104LB	Mr & Mrs M Johnson - Listed Building Consent for the proposed installation of security camera. (Listed Building Consent) - LUCKESSES FARM, EXFORD, MINEHEAD, TA24 7QF	Approved with Conditions 16-Dec-2020
62/19/20/004	Mrs S North - Lawful development certificate for existing use of building as residential dwellinghouse. (CLEUD) - The Cottage, North Challacombe Farm, Combe Martin, Devon, EX34 0DS	Approved 22-Dec-2020
6/14/20/108	E Barlow - Proposed change of use of land and buildings from agriculture to equestrian to facilitate commercial livery yard and the creation of indoor riding arena to be used in association with proposed livery yard and for general hire. (Amended description) (Full) - Emmetts Grange House, Simonsbath, Minehead, TA24 7LD	Approved with Conditions 24-Dec-2020
6/41/20/102	Andrew Whiteley - Proposed demolition of three outbuildings, the renovation of one outbuilding to provide ancillary residential accommodation together with the erection of two replacement buildings for residential and utility use (Full) - Druids Combe Farm, Luxborough, Watchet TA23 0SE	Approved with Conditions 24-Dec-2020
6/3/20/122	Mr & Mrs W & M Johnston - Proposed paved seating area together with erection of timber frame structure, supporting a canvas covering. Retrospective. (Householder) - 10, Chilcotts, Haddon Lane, Bury, Dulverton, Somerset, TA22 9ND	Approved with Conditions 18-Dec-2020

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/8/20/114	Mrs. Neale - Proposed single storey garden room (Householder) - The Green, Wheddon Cross, Minehead, TA24 7DY	Approved with Conditions 07-Jan-2021
62/43/20/003	Mr P Miles - Proposed demolition of the existing temporary tearoom granted under planning permission reference 62/43/11/003 (varied by reference 62/43/14/006) and its replacement with a permanent timber tearoom building in the same location. Resubmission of withdrawn application 62/43/20/002. (Full) - Woody Bay Station, Parracombe, Barnstaple, EX31 4RA	Approved with Conditions 16-Dec-2020
62/62/20/003	Ms. Kathryn Gee - Proposed formation of access. Retrospective. (Full) - The Workshop, Higher Dean Farm, Parracombe, EX31 4PJ	Refused 17-Dec-2020
6/35/20/104	Mr & Mrs Richard and Zara Mayo - Proposed erection of agricultural building (Full) - Overlands Barn, Roadwater, Treborough Road (E302169 N136892), Treborough, Watchet, Somerset	Approved with Conditions 12-Jan-2021
62/19/20/002	Mr & Mrs J & S North - Proposed change of use from agriculture to a mixed use of agriculture and the rearing of game birds together with the erection of temporary game bird rearing pens. Change of use of manege to storage area for game bird rearing pens and associated equipment, together with works already completed to create a turning area. (Full) - NORTH CHALLACOMBE FARM, COMBE MARTIN, ILFRACOMBE, EX34 0DS	Withdrawn 06-Jan-2021

**EXMOOR NATIONAL PARK AUTHORITY
EXMOOR CONSULTATIVE AND PARISH FORUM**

NOTES

of the meeting of the Exmoor Consultative and Parish Forum held on Thursday 12 November 2020 at 10:30am by Video Conference

PRESENT

Mike Ellicott	Exmoor National Park Authority and Chairman of the Forum
Vivian White	Exmoor National Park Authority and Deputy Chair of the Forum
Steven Pugsley	Exmoor National Park Authority
Rachel Thomas	Exmoor Society
Mike Kelly	Exmoor National Park Authority
Liz Bulled	North Devon District Council
Chris Binnie	Farmer
Nick Thwaites	Exmoor National Park Authority
Richard Peek	North Molton Parish Council
Andrea Davis	Exmoor National Park Authority
John Anderson	Cutcombe Parish Council
Philip Beauvais	Skilgate Parish Council
Penny Webber	Exmoor National Park Authority
Ueli Zellweger	Resident
Peter Pilkington	Exmoor National Park Authority
Andrew Milne	Porlock Parish Council
Roger Foxwell	Cutcombe Parish Council
Malcolm McCoy	Porlock Parish Council
Jeremy Payne	Oare and Culbone Parish Meeting
John Patrinos	Exmoor National Park Authority
Caitlin Collins	Timberscombe Parish Council
Alastair Rodway	Lynton and Lynmouth Town Council
Eric Ley	Exmoor National Park Authority
Alan Collins	Resident
Alison Kent	Chair of Exmoor Local Access Forum
Brian Westcott	Farmer
Helena Rose	Resident
Polly Soltau	Withypool and Hawkrigde Parish Councillor
Frances Nicholson	Exmoor National Park Authority
Myc Rigglusford	Exmoor National Park Authority Independent Person
Conrad Barrowclough	South West Water/Exmoor Mires Partnership
Victoria Everleigh	Farmer
Robin Milton	Exmoor National Park Authority

1. Apologies for absence were received from:

Marilyn Crothers	Nettlecombe Parish Council
Susan May	Exmoor Trust
Dr Susan Warren	Exmoor National Park Authority
Louise Crossman	Louise Crossman Architects
Christine Lawrence	Exmoor National Park Authority
Richard Edgell	Exmoor National Park Authority
Marcus Kravis	Exmoor National Park Authority
Kevin Connell	Winsford Parish Council

National Park Authority staff in attendance:

Sarah Bryan, Chief Executive

Dean Kinsella, Head of Planning & Sustainable Development

Clare Reid, Head of Strategy and Performance

Alex Farris, Conservation and Wildlife Manager

Hazel Malcolm, Business Support Officer (Note Taker)

2. **MINUTES:** The [minutes](#) of the Forum meeting held on 17 December 2019 were agreed as a correct record.

Matters Arising: Exmoor National Park Authority's Chief Executive gave an update on deer following discussions at the last meeting. A group has been formed, the meetings of which have been delayed by the Covid19 pandemic. The deer count in 2020 showed that deer numbers remain stable across the National Park at around 3,500. Dr A Robertson has been appointed to work on TB with the National Trust - he is focussing on the West Country at the moment.

The Veterinary Deer Society met with Defra recently to discuss TB in deer, both wild and captive.

3. **QUESTIONS FROM THE FLOOR (Submitted in advance):**

- **Question 1** – to ask what research Exmoor National Park Authority have undertaken into the use of mechanical hedge laying machines and the effect of these machines on hedges. **Answer:** Exmoor National Park Authority are currently not undertaking any research into the use of mechanical hedge laying machines.
- **Question 2** - to ask for a report on the state of play with the Glover report. **Answer:** This is covered in agenda item 5.
- **An additional Question was asked at the meeting:** Would the Exmoor National Park State of Farming Report be updated? **Answer:** an answer was not given at the meeting, but ENPA can respond that the need for an update will be considered as part of the State of the Park Report update in 2021.

4. **NATURE RECOVERY VISION (NRV) AND ENVIRONMENTAL LAND MANAGEMENT (ELM) SCHEME**

The Wildlife and Conservation Manager presented to Forum Members an update on the Exmoor Test and Trial for the new ELM Scheme and the Nature Recovery Vision released recently by Exmoor National Park Authority. Please refer to the powerpoint presentation for details.

Points noted during Forum Discussion:

- **Question:** Can farmers on the edge of the National Park get involved with the ELM Scheme Test and Trial, for example looking at cross-boundary linkages and corridors for wildlife?
ENPA Response: Whilst the Exmoor Test & Trial is focused on the National Park, it is feeding into Defra's plans for a national scheme
- **Question:** How have farmers been involved in developing the NRV and how many are on the Nature Conservation Advisory Panel?
ENPA Response: Six farming /landowner representatives are on the Panel and the NRV was discussed with several of the Partnership Plan groups, including the Moorland and Farming Board, and Historic Environment Advisory Group. A workshop was also

held with the Exmoor Hill Farming Network prior to the NRV being adopted. The Authority acknowledges that many farmers have raised concerns about the NRV (particularly the illustrations) and further discussions will be held with EHFN, NFU and other key partners. The NRV is a starting point and will evolve, it is a vision not a delivery plan and the next steps are for more detailed discussions with farmers. The important thing is to start a conversation on the declines in nature and how we can respond to this together.

- **Question:** Will the NRV go back to the Authority before it is finalised?

ENPA Response: The NRV is a starting point and a process of engagement will be undertaken now (as indicated above). It is not intended to take it back to the Authority, but a plain English version will be developed, including positive case studies with farmers

- **Question:** What is the budget for the NRV?

ENPA Answer: This was covered in the first part of the Nature Recovery Vision. Finance will potentially be available through the ELM Scheme and nature recovery grant schemes

- It is important to work closely with the farming communities on Exmoor to take forward the NRV, and good communication is key
 - There are many factors contributing to the decline in nature, it is not the farmers who are always the problem, but often what they are being required to do by legislation or statutory agencies. More consultation with farmers is needed before plans are started.
- **Question:** is there any difference in the decline in nature on the uplands compared to the lowlands on Exmoor?

ENPA Answer: we are unable to fully provide an answer to this question but there are declines in nature in both the uplands and lowlands. Exmoor has fared better for some species than other areas, and vice versa.

- It is important to look after the nature and wildlife we have.
 - ENPA cannot order farmers to manage their own land but must work in partnership with Exmoor farmers on the NRV.
 - Many farmers on Exmoor already work with nature and the ELM Scheme will continue to support them to do so. The bottom line for farmers is cash flow, and often the time between farmers incurring capital spend and receiving the payments is significant. There are concerns that many farm businesses may fail.
 - Dominic Elson is exploring opportunities to address cash flow issues 'the hungry gap' including alternative financial mechanisms to deliver natural capital. He is pulling together a small focus group of farmers to look into this from their perspective. Anyone who is interested in joining this group please contact Dominic (via Hazel Malcolm).
- **Question:** A concern was raised regarding felling of conifers especially along the coast and the lack of enforcement of these being replaced with indigenous tree species. ENPA needs to enforce these or seek the powers to enforce it.

ENPA Response: The conifer plantation was felled 4 or 5 years ago with a condition to restock with broadleaves. They didn't replant, a councillor queried this it was raised with the Forestry Commission who have now issued a Restock Notice.

- The Exmoor Society welcomes the Vision Statement and has issued their own statement on the NRV available to view on the Exmoor Society website.
- Any changes to the NRV will not need to go back to ENPA Authority, some redrafting to put the NRV into plain English is required.
- The NRV is a working document, it is not a policy statement, and changes to the NRV will be taken forward in consultation.
- Tourism should be considered as part of the NRV and the opportunities for people to visit the National Park to enjoy its wildlife and nature. Planning can sometimes be a barrier to local businesses who are trying to attract visitors.

5. UPDATE ON THE PROTECTED LANDSCAPES REVIEW (GLOVER REPORT)

The Chief Executive provided an update (see attached powerpoint).

In May 2018 Government asked for an independent review into National Parks and Areas of Outstanding Natural Beauty (AONBs). The review looked at the existing Statutory Purposes for National Parks and Areas of Outstanding Natural Beauty and how they are being met. The public call for evidence saw 2,500 responses submitted.

The final report was published in September 2019 with 27 recommendations. The main themes being:

- Improved national working
- Nature recovery
- National Parks for all
- Thriving communities
- More designations and a simpler process
- Better governance
- New financial model

A response from Government is expected in the next few months.

Discussion points from the Forum

- There is no definition of 'landscape' in the report.
- Concerns were voiced around the proposals in the report which would reduce the local representation on the Authority Boards.
- The Government White Paper on Planning will impact on Glover.
- The Exmoor Society are concerned about the potential of a National Landscape Service and whether such an organisation may sit within Natural England or as a separate body. The Exmoor Society has written to Defra highlighting concerns over centralisation in the management of National Parks and the loss of local representation.
- All National Parks are different, and it is important that local people continue to make their views about the proposals known to Government.
- The Panel's recommendations and the Government's response have not yet been considered at Westminster and many of the proposals can only be implemented by changes in legislation. This will provide an opportunity for MPs to scrutinise and change the proposals. Please communicate concerns about the recommendations to your local MP.
- A note of caution was expressed around the levels of funding likely to be available for the Government to implement the changes recommended by Glover.

6. PLANNING ISSUES

The Head of Planning and Sustainable Development updated the forum on:

- A summary booklet of the Exmoor National Park Authority Local Plan has been published. This is available on the website https://www.exmoor-nationalpark.gov.uk/data/assets/pdf_file/0033/348936/Local-Plan-2011-2031-Summary-for-web.pdf and hard copies will be sent to Parish and Town Councils and partner organisations as soon as the current Covid-19 restrictions allow.
- A revised Statement of Community Involvement was adopted by the Authority in October 2020. This is an interim statement taking account of Covid-19 restrictions and is available on the website when this has been constructed.
- A new Rural Housing Enabler has been appointed, working for Somerset West and Taunton Council, based locally and focusing on the Somerset part of Exmoor. Aiming to support the delivery of 25 new homes over 5 years.
- The new affordable housing development by Livewest in Dulverton featuring 6 properties is now fully occupied with residents with a local connection.
- On the Planning White Paper there was government consultation in Aug 2020. ENPA submitted comments both as an Authority and as part of a National Parks England submission. The main changes proposed are:
 - Local plans will identify areas of development, growth, renewal and protected
 - Local plan with a criteria-based policy framework dealing with local issues
 - Local Plan preparation to be reduced to 30 months in total.
 - Planning system to become more digitised.
 - Changes to standard methods of working out housing numbers
 - Changes to the involvement of statutory consultees
 - Time limits on applications to be reviewed
 - A design guide set nationally but influenced locally
 - Seeking better design of developments
 - Recognition that current planning enforcement powers are restrictive
 - Government review of conservation areas and listed buildings
 - Abolish Section 106 agreements to be replaced with a national levy
- From 1 January ENPA will be charging for discharge of conditions.
- Parish and Town Council training to take place 9 December 2020.

7. EMERGING ISSUES OR TOPICS FOR WIDER DEBATE:

- The issue of mechanical hedge laying machines to be discussed at the next meeting of the Forum.

8. DATE AND TIME OF NEXT MEETING: The next meeting will be held on Thursday 18 March 2021 time and venue TBC.

9. ANY OTHER BUSINESS OF URGENCY: There was none.